

## Current Definitions in Town Code Regarding Repairs/Maintenance

### REPAIR, STRUCTURAL

Includes all work done with the purpose of augmenting or replacing components of a building's structural system.

### SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions. See FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.

### STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building.

- C. At least two copies of the Building Code shall be on file in the Town offices for public inspection and use.

## § 71-3. Building permits.

- A. Any person who may desire to erect, alter, repair, move, raze, or add to any building or other structure, including fences, bulkheads and retaining walls, within the Town, shall first apply to the Town for a building permit. The applicant shall submit plans and specifications therefore, and shall not deviate from the plans and specifications as approved, unless authorized in writing by the Building Inspector.
- B. No building permit shall be issued for construction or alteration of any building or structure unless the applicant has first obtained and submitted supporting documents required by the Building Inspector, including:
- (1) Surveys as required by regulation or rule.
  - (2) Other documents necessary to insure compliance with county, state and federal regulations as set forth on the attached checklist, which may be changed from time to time as required, by the Building Inspector.
- C. No building permit shall be issued for the construction or alteration of any building or structure within the area east of the easterly right-of-way of Route 1 or King Charles Avenue unless the applicant has first obtained and submitted to the Town a permit from the Department of Natural Resources and Environmental Control of the State of Delaware (hereinafter referred to as the DNREC) or a letter from the DNREC stating that a permit from the DNREC is not required.
- D. When the above requirements and all other requirements have been met, a building permit may be issued; provided, however, that no construction activity of any kind shall be commenced until the building permit is posted in a conspicuous place on the property which is the subject of the building permit.
- E. This section shall be administered by the Building Inspector. The Town Commissioners shall issue necessary regulations to implement this section and shall designate the person or persons who shall act as inspectors.
- F. Appeal from a decision of an inspector shall be to the Board of Adjustment.
- G. Building permits shall be valid for one year from date of issue, and may be renewed one time for one additional year for a fee of \$50, provided renewal is applied for prior to expiration date, except in extraordinary circumstances, an additional renewal may be allowed subject to Commissioners approval.  
[Added 7-15-1988 by Ord. No. 121; amended 9-12-1992 by Ord. No. 245]
- H. Applications for building permits, when accompanied by the required application fee, shall remain valid for a period not to exceed 90 days from date of acceptance. If a building permit is not issued within the ninety-day period, a new application shall be required and

conformance shall be based upon the regulations as of the date of submission of the new application.

[Added 1-12-1991 by Ord. No. 195; amended 9-9-1994 by Ord. No. 310]

- I. No building permit shall be issued if there are delinquent Town of Dewey Beach property taxes due on the property.  
[Added 7-9-1993 by Ord. No. 269]
- J. Portable toilet facilities shall be prohibited from placement on any public or private property within the Town limits of Dewey Beach unless a permit is obtained from the Town.  
[Added 3-11-1995 by Ord. No. 323; amended 4-20-1996 by Ord. No. 348]
  - (1) Permits shall be granted by the Building Inspector for portable toilets facilities for the following uses:
    - (a) Demolition and/or new construction sites for the minimum time period that permanent toilet facilities are inoperable.
    - (b) Emergency operations, including but not limited to fire, flood, hurricane and natural disasters, and such other emergency conditions that in the Building Inspector's determination, require the placement of portable toilets.
    - (c) Special events as approved by the Town Commissioners upon application.
  - (2) An appeal to the Board of Adjustment of the Town of Dewey Beach may be taken by any person aggrieved by the Building Inspector's decision within thirty days of the decision pursuant to the provisions of the Municipal Code of the Town of Dewey Beach.
  - (3) A permit fee of \$5 shall be required to be paid for any application for the placement of any portable toilet facility.

## § 71-4. Fees and conditions for permits.

- A. The required fee for permits issued pursuant to § 71-3 hereof shall be established by resolution of the Commissioners, and listed in the Schedule of Fees for the Town.
- B. The permit application fee shall not be refundable.
- C. All construction, repairs, alteration, or additions shall comply with the requirements of any Building Code adopted by the Town, Chapter 185, Zoning, and the Town ordinances, all as amended from time to time.
- D. A building permit shall not be required for normal maintenance requiring less than \$1,000 of material costs.  
[Amended 6-9-2006 by Ord. No. 573]

## § 71-5. Other requirements.

- P. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.
- Q. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Dewey Beach have been modified.

## § 101-12. Permits required.

- A. It shall be unlawful for any person or entity to begin construction or other development which is wholly within, partially within, or in contact with any identified special flood hazard area, as established in § 101-4, including but not limited to subdivision of land, filling, grading, or other site improvements and utility installations; construction, alteration, remodeling, improvement, replacement, reconstruction, repair, relocation, or expansion of any building or structure; placement or replacement of a manufactured home; recreational vehicles; installation or replacement of storage tanks; or alteration of any watercourse, until a permit is obtained from the Town of Dewey Beach. No such permit shall be issued until the requirements of these regulations have been met.
- B. Structures existing in any special flood hazard area prior to the initial enactment of this chapter (June 18, 1982), but which are not in conformance with these provisions, may continue to remain subject to the following:
  - (1) Within any VE zone existing buildings located seaward or channel ward of the reach of mean high tide shall not be expanded or enlarged;
  - (2) Any modification, alteration, addition, reconstruction, repair, or improvement of any kind to an existing structure, the cost of which equals or exceeds 50% of the market value, shall only be undertaken in full compliance with the provisions of this chapter.

## § 101-13. Application required.

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose and accompanied by the appropriate filing and review fees in compliance with § 185-80 (Building permits; fee) and § 185-82 (Filing fees) of the Town Code.

A feline shall be in a person's "custody" and a person shall be the custodian of a feline when a person accepts the responsibility for the welfare of a feline or has a feline in their possession, regardless of whether it is being detained forcibly, through an act of trapping or other means, and whether or not the person owns the feline.

### **DAY-CARE CENTER**

A state-licensed center which provides care or instruction for more than six children and operates on a regular basis.

### **DBA**

The abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from octave band or 1/3 octave band.

### **DECIBEL (dB)**

A unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this Code, 20 micropascals shall be the standard reference pressure.

### **DESIGN STANDARDS**

Those standards governing the appearance of a wireless facility, including such features as its material, color, and shape, as outlined in the manual entitled "Design Standards for Small Cell Wireless Facilities and Telecommunications Towers."  
[Added 3-2-2021 by Ord. No. 761]

### **DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

### **DINNER THEATER**

A portion of the building must be used for the presenting of public performances featuring live actors in dramatic or musical productions. A dinner theater must also serve, before, during or immediately after such performance(s), a full meal consisting of, but not limited to, appetizers, entrees, salads, vegetables, desserts and beverages other than alcoholic. There shall also be an adequate and sanitary kitchen and restroom facilities.

### **DISTRICT**

Any section of the Town of Dewey Beach in which zoning requirements are uniform.

### **DOCUMENT**

A. Any deed, instrument or writing whereby any real estate within the boundaries of the Town of Dewey Beach, or any interest therein, shall be quitclaimed, granted, bargained, sold or otherwise conveyed to the grantee, but shall not include the following:

(1) Any will;

- C. The proposed installation requires excavation or expansion outside the current boundaries of the site.
- D. The structure or proposed installation would defeat the concealment elements/measures.
- E. The proposed installation involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure.

### **SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.

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### **SUMMER SEASON**

The period commencing at 8:00 a.m. on May 15 of each year and ending at 5:00 p.m. on September 15 of each year.

### **SURFACE AREA**

For the purpose of determining the size of a sign, the measurement shall be the width times the length and shall include any integral part of the sign in the calculations. Lettering affixed on a surface shall be considered signage and shall be computed by measuring the width times length from the outside point of any letters or numbers to determine the square footage of the area encompassing the lettering or numbers. For structures not specifically designed as a sign, such as an awning or gasoline station island, the calculation shall only include the areas covered with lettering or other design material. Frames and structural members not bearing advertising matter shall not be included in the computation of the surface area.

### **SWIMMING POOL**

Any structure that is intended for swimming or recreational bathing and contains water over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools and hot tubs, but not including children's wading pools, ornamental reflecting pools or fish ponds or other types of pools located and designed so as not to create a hazard or be used for swimming or wading. Swimming pool requirements shall also apply to any related equipment, structures, areas and enclosures that are