

**Code & Charter Review Committee**  
**10/9/2024**  
**5PM**

**Discussion Points**

**Agenda Item 1: Suggested Change: Limitation of Construction Activities (71-1)**

- Discuss and possibly vote to recommend to Town Council amendments to §71-7 of the code, to suspend or limit construction activities during the summer season.

Four Suggestions:

- No Construction from 5/15 – 9/15, annually
- No construction from the Friday before Memorial Day through the labor day.
- Limit construction hours (8AM – 4PM) during season (similar to Bethany)
- Do nothing at all;

DEWEY CODE:

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.

[Amended 1-14-2017 by Ord. No. 736]

BETHANY CODE:

**§ 395-22. Permitted hours. [Amended 6-18-2004 by Ord. No. 383; 2-17-2017 by Ord. No. 529]**

No construction activities (to include the delivery and supply of materials, removal of refuse from construction sites, or the starting up of engines of mechanized construction equipment or vehicles) shall be carried on except between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday, year-round; or, between October 1 and May 15, between the hours of 8:00 a.m. and 4:00 p.m. on Saturdays. All hours are prevailing time. Nothing herein shall prohibit repairs, renovations, or other construction activities carried on by the occupant(s) of any building [including their personal house guests if accompanied by the occupant(s)].

**§ 395-23. Days permitted. [Amended 6-18-2004 by Ord. No. 383; 5-21-1999 by Ord. No. 338; 8-18-2006 by Ord. No. 415]**

No construction, and no site preparation, lot clearing, or earth-moving activities utilizing any motorized or powered equipment shall be done on any Saturday, Sunday, or holiday as designated by the Town of Bethany Beach.

**Agenda Item 2: Chapter 65 – Canopy/Tent Ordinance:**

- Discuss and possibly vote to recommend to Town Council amendments to Chapter 65 of the code, limiting the size of canopies permitted on the beach.

Five suggestions:

- Prohibit canopies/tents on the beach:
  - Rehoboth, Bethany prohibit tents on the beach; Lewes requires a prior reservation and approval.
- Fenwick Island does allow tents on the beach, but there are specific regulations you need to follow. [Tents must be open on at least three sides and can be no larger than 10 feet by 10 feet and 8 feet in height<sup>12</sup>. Additionally, grounding lines and anchoring devices must be within the confines of the tent and secured to prevent uncontrolled movement<sup>12</sup>.](#)
- As an alternative, we could require the positioning of tents to be ‘further back’ on the beach; tents and umbrellas can be open only while beach goers are present;
- Perhaps do a survey from the public soliciting input
- Do nothing

**Agenda Item 3: Chapter 185-51 – Swimming Pools**

- Discuss and possibly vote to recommend to Town Council amendments to §185-51 of the code, to revise setbacks for dipping pools.