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ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 93, FEES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO ESTABLISH A CAP ON THE INFRASTRUCTURE FUND

WHEREAS, the Town of Dewey Beach seeks to ensure proper fiscal management and accountability in the handling of funds designated for infrastructure projects; and

WHEREAS, it is necessary to set limits on the amount of funds held in the infrastructure account to prevent excessive accumulation of unspent funds and ensure the efficient use of resources for infrastructure improvements.

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

Section 1. Amend Chapter 93-2 of the Municipal Code of Dewey Beach, Delaware as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

- A. Twenty percent of the revenues derived from building permits each month shall be transferred to the infrastructure maintenance and improvements escrow account ("infrastructure account") to be used for infrastructure maintenance and improvements undertaken by the Town.
- B. For the purpose of this chapter, "infrastructure" shall be defined to include only those areas directly impacting health and safety issues related to roads and rights-of-way, such as roadways and road surfaces, mitigation of roadway flooding and stormwater drainage, pedestrian walkways and crossings and street lighting.
- C. Activities authorized to be funded out of the infrastructure account shall serve to create new infrastructure or result in the maintenance or improvement of existing infrastructure-related grant writing, feasibility studies, engineering design, permitting, construction and construction oversight, repairs and maintenance and maintenance contracts.
- D. Prior to any appropriation of funds from the infrastructure account, proposed projects may be referred to the Infrastructure Committee for its review and recommendation to Council, and council shall subsequently hold a public hearing on the proposed project.
- E. The amount in the infrastructure account shall not exceed three (3) years of the projected spending amount for infrastructure projects within the Town. The projected spending amount for infrastructure projects shall be reviewed annually, based on the anticipated costs of infrastructure improvements, repairs, and related activities for the upcoming fiscal year, as outlined in the approved budget.

Section 3. Severability. If any provision of this Ordinance shall be deemed or held to be invalid or

46 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any
47 other provision of this Ordinance which may be given effect without such invalid or unenforceable
48 provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.
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50 **Section 4.** This Ordinance shall take effect April 1, 2025. Adopted by at least a majority vote of all
51 Commissioners of the Town of Dewey Beach on January 31, 2024.

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SYNOPSIS

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This Act imposes a limit on the amount of funds held in the infrastructure account.

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58 William Stevens, Mayor

Bill Zolper, Town Manager