



3 **ORDINANCE NO.**

4  
5 **AN ORDINANCE TO AMEND CHAPTER 138 OF THE DEWEY BEACH TOWN CODE REGARDING THE**  
6 **MAINTENANCE OF SIDEWALKS**  
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8 **WHEREAS**, Section 25 of the Charter of the Town of Dewey Beach permits the Town Council to define,  
9 prevent, abate, and remove all nuisances, obstructions, unsanitary conditions, or any other condition  
10 detrimental to the public safety, health, or welfare, whether in the street, squares, lanes, alleys,  
11 sidewalks, or in any other public or private property within the limits of said Town by enacting  
12 ordinances or adopting resolutions and enforcing said legislation with fines or penalties; and  
13

14 **WHEREAS**, the Town Council may also require the property owner, legal entity, or individual causing or  
15 permitting a condition under Subsection (a) of Section 25 to pay the cost of abating or removing the  
16 condition, including reasonable attorney's fees incurred in enforcement or litigation, filing fees, and  
17 court costs.  
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19 **NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach,  
20 Sussex County, Delaware, in session met, as follows:  
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22 **Section 1.** Amend Chapter 138 Article I of the Code of Ordinances as depicted by strikeouts and  
23 substitutions depicted below:

24 § 138-1 Applicability.

25 The following standard shall be applicable for the cleanliness of sidewalks, parking lots, vacant  
26 lots and open areas within the area of the Town of Dewey Beach which are either zoned or used  
27 for commercial purposes and shall constitute the minimum standards for keeping these areas  
28 clear and free of foreign matter.

29 ~~§ 138-2 Sidewalks and gutters.~~

30 ~~The proprietors and/or owners of all commercial establishments shall cause the sidewalks and~~  
31 ~~gutters adjacent to their establishments to be swept at least one time per day before 7:00 a.m.~~  
32 ~~whenever the establishment is open for business. The proprietors shall cause to be maintained~~  
33 ~~in a clean and neat condition all sidewalks and adjacent parking lots to said commercial~~  
34 ~~establishments during business hours.~~

35 ~~§ 138-3 Establishments from which food or beverages are sold.~~

36 ~~The proprietors and/or owners of all commercial establishments from which food or beverage~~  
37 ~~or both are sold or dispensed to customers on the sidewalk shall cause the sidewalks adjacent to~~  
38 ~~their establishments to be washed each Monday, Friday and the day following any legal holiday,~~  
39 ~~before noon whenever such establishment is open for business.~~  
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41 **Section 2.** Amend Chapter 138 by renumbering the existing sections as follows:

42 Article I Commercial Establishments

43 § 138-1 Applicability.

44 § 138-42 Outside storage of trash.

45 § 138-53 Outside storage of debris.

46 § 138-64 Trash cans; parking lots.

47 Article II Weeds and Vegetation

48 § 138-75 Unregulated growth prohibited.

49 § 138-86 Notification to cut weeds.

50 § 138-97 Effect of notice.

51 § 138-108 Removal by Town.

52 § 138-119 Cost of removal by Town; payment by owner.

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54 **Section 3.** Amend Chapter 138 by adding Article III Sidewalks, to read as follows:

55 § 138-10 Responsibility for removal of snow

56 A. When snowfall accumulation totals 6" or less, it shall be unlawful for the owner or occupant  
57 of any premises bordering a sidewalk on State Route 1 to allow snow to remain thereon for  
58 a longer period than 24 hours after it has ceased snowing.

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60 B. When snowfall accumulation totals more than 6", it shall be unlawful for the owner or  
61 occupant of any premises bordering a sidewalk on State Route 1 to allow snow to remain  
62 thereon for a longer period than 48 hours after it has ceased snowing.

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64 C. Any person who shall permit snow to remain on said sidewalk in violation of this article shall  
65 forfeit and pay a fine of \$50. Each additional 24-hour period in which a person permits snow  
66 to remain on the sidewalk shall be a separate violation, punishable by a fine of \$25 - \$50. If  
67 the Town removes the snow, in addition to the aforementioned fines, the cost or value of  
68 removing the snow shall be recovered from the persons jointly and severally responsible for  
69 the same.

70 § 138-11 Sidewalks of commercial establishments

71 The proprietors and/or owners of all commercial establishments shall cause the sidewalks and  
72 gutters adjacent to their establishments to be swept at least one time per day before 7:00 a.m.  
73 whenever the establishment is open for business. The proprietors shall cause to be maintained

74 in a clean and neat condition all sidewalks and adjacent parking lots to said commercial  
75 establishments during business hours.

76 § 138-12 Establishments from which food or beverages are sold.

77 The proprietors and/or owners of all commercial establishments from which food or beverage  
78 or both are sold or dispensed to customers on the sidewalk shall cause the sidewalks adjacent to  
79 their establishments to be washed each Monday, Friday and the day following any legal holiday,  
80 before noon whenever such establishment is open for business.

81

82 **Section 4.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for  
83 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of  
84 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this  
85 end, the provisions of this Ordinance are hereby declared to be severable.

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87 **Section 5.** This Ordinance shall take effect immediately upon its passage by a majority vote of the  
88 Commissioners of the Town of Dewey Beach.

89

90 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this -- day of --,  
91 2025.

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#### SYNOPSIS

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95 This Act revises Chapter 138 to add Article III pertaining to the maintenance of sidewalks, including new  
96 legislation regarding snow removal. Existing regulations for sidewalks adjacent to commercial buildings  
97 is moved from Article I, to Article III.

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Mayor, William Stevens

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Town Manager, Bill Zolper

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