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**ORDINANCE NO \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 71-7 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO REVISE THE LIMITATIONS FOR CONSTRUCTION PERFORMED ON HOLIDAYS**

**WHEREAS**, in order to protect the health, safety, and welfare of the residents and visitors of the Town of Dewey Beach, and to preserve the peaceful enjoyment of neighborhoods and community activities, the Town currently regulates the permissible days and hours during which construction activities may occur; and

**WHEREAS**, the recognition of new federal and state holidays, such as Juneteenth, requires amendments to the list of restricted holidays during which construction activity is prohibited; and

**WHEREAS**, under previous regulations, indoor construction activities that did not create a noise disturbance were permitted only on certain designated holidays;

**WHEREAS**, in the interest of simplifying the regulations, the Commissioners find it appropriate to permit indoor construction activities on all holidays, provided such activities do not create a disturbance.

**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 §71-7 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

- § 71-7 Construction **activities**, pile driving and demolition limitations.
- 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.~~

45 nor work after 6:00 p.m. The term "persons who are individual property owners" shall not  
46 be defined as a corporation, limited liability company or business entity which is a  
47 contractor or subcontractor and which is identified as the owner of the premises.

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

49 (a) New Year's Day.

50 (b) Memorial Day.

51 (c) Independence Day.

52 (d) Labor Day.

53 (e) Thanksgiving Day.

54 (f) Christmas Day.

55 2) ~~Construction activities are permitted on the following holidays, provided that the~~  
56 ~~activity is performed inside an enclosed structure and creates no noise disturbance:~~

57 (a) ~~Martin Luther King's Birthday.~~

58 (b) ~~Presidents' Day.~~

59 (c) ~~Columbus Day.~~

60 (d) ~~Veterans' Day.~~

A. 

61 Construction activities. For the purposes of this section, "construction activities" shall be  
62 defined as any activity whatsoever relating to construction, including, but not limited to: site  
63 preparation, grading and excavation; construction of foundation; construction, fabrication,  
64 and placement of any structure upon or within the premises; painting, drywalling, roofing  
65 and application of any materials whatsoever to the structure being constructed or placed  
66 upon the premises, including installation of plumbing, electrical fixtures and wiring, heating,  
67 ventilation and air-conditioning equipment; and any activity whatsoever related to  
68 construction, installation, site preparation, landscaping, paving or improvement of the  
69 premises.

70 1) Limitations for construction activities.

71 a) Construction activities shall not be performed between the hours of 6:00  
72 p.m. and 8:00 a.m. daily.

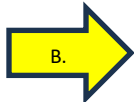
73 b) Construction activities shall not be performed on any Saturday or Sunday  
74 or on any holiday observed by the State of Delaware, except that  
75 commencing September 16 and extending through May 14 of each year.

76 permitted hours of construction shall include Saturdays from 9:00am  
77 through 6:00pm.

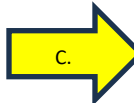
78 2) Exceptions.

79 a) Persons who are property owners performing construction activities  
80 which do not require the issuance and approval of a building permit are  
81 exempt from the Saturday, Sunday and holiday prohibitions stated herein,  
82 but such persons may not commence work earlier than 9:00 a.m. nor  
83 work after 6:00 p.m. The term "persons who are individual property  
84 owners" shall not be defined as a corporation, limited-liability company or  
85 business entity which is a contractor or subcontractor and which is  
86 identified as the owner of the premises.

87 b) Construction activities performed inside an enclosed structure and create  
88 no noise disturbance are permitted on holidays observed by the State of  
89 Delaware.



90 Pile driving. Pile driving is a construction activity restricted by the provisions of Subsection A.  
91 Additionally, no pile driving shall be allowed by any person, property owner, firm or business  
92 entity from 6:00 p.m. on the Thursday before Memorial Day (as observed) until 8:00 a.m. on  
93 the Tuesday after Labor Day (as observed). The exception stated in Subsection A for  
94 permitted hours of construction on Saturdays from September 16 and extending through  
95 May 14 of each year shall not apply to pile driving activities.



96 Demolition activities. Any demolition activity which requires a demolition permit from the  
97 Town of Dewey Beach Building Official is a construction activity restricted by the provisions  
98 of Subsection A. The exception stated in Subsection A for permitted hours of construction  
99 on Saturdays from September 16 and extending through May 14 of each year shall not apply  
100 to demolition activities which requires a demolition permit.

101 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for  
102 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of  
103 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this  
104 end, the provisions of this Ordinance are hereby declared to be severable.

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106 **Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the  
107 Commissioners of the Town of Dewey Beach.

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109 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 18th day of  
110 July, 2025.

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SYNOPSIS

This Act replaces the specific list of prohibited holidays for construction activities with a reference to “holidays observed by the State of Delaware,” and permits indoor construction activities on those holidays, provided such activities do not cause a disturbance.

\_\_\_\_\_  
Mayor, William Stevens

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Town Manager, Bill Zolper