

Questions for Discussion of Building Permit Requirements

The Code currently includes an exception from permit requirements for maintenance projects in which materials cost is less than \$1,000. (Chapter 71)

- Should this exception be continued?
- If so, should maintenance be defined?
- Should the threshold of \$1,000 be increased and if so, how much?
- If a threshold is to be maintained, should it be based on total project cost or remain as materials?

Should other exceptions from permit requirements be included in the code?

- Non-structural changes
- Interior finishes
- Exterior finishes
- Replacement of existing equipment, excluding exterior HVAC units
- Should proposed exceptions apply to both flood zone and non-flood zone properties?

Should we add a definition for Maintenance into the town code; Should we consider maintenance activities as an exception from permit requirements?

- **Maintenance** shall mean the ongoing duty of every property owner, operator, or occupant to keep all buildings, structures, premises, and accessory facilities in a safe, sanitary, structurally sound, and functional condition, consistent with the requirements of this Code and other applicable standards. Maintenance includes both preventive and corrective actions to preserve property in good repair, protect the public health and safety, and sustain neighborhood character.

Recommendations from Charter & Code Review Committee

9/17/25

Watch the Meeting

- Increase Materials Limit to \$3500
- Define Maintenance and Repairs – exclude these from the permitting process
- Push on property owner education (again); what activities require a permit
- Get metrics on time to generate a permit and the number/percentage of permits that require a call back/follow up
- Review the town's obligation to enforce County and HOA permit requirements
- Track permits over time - like Bethany
- Automate the permitting process via an online system – eliminates paper and ensure compliance
- Focus on enforcement – the town does not proactively look for property owners who have work performed without permits; town should also inspect and approve what they permit
- Change the permit application to add (LLC) to property owner
- Revisit what activities require a business license. Should a license be required for 'handyman' jobs, cleaning or lawn work?
- Confer with FEMA to review what is considered significant improvement; seek relief on activities that do not constitute a significant improvement

Summary of Public Comments

- Permit process lacks follow-through to ensure the owner performed the actual work and complies with code
- Process and pricing is perfunctory and arbitrary; suggest that the cost be aligned with the amount of time to issued and inspect the work
- Why does the town require permits for simple maintenance and repairs?
- Contractor complains the town is very difficult and permits are not issued timely; it is difficult to get contractors and procedures are outdated and impact contractors' interest in taking on jobs in Dewey;
- Raise the ceiling for permits to \$3500; Tie cost to the size of the house
- Permit process should be easier – encourage the property owner to maintain and improve their property
- Code Department be more proactive and informative instead of playing GOTCHA with property owners. They do not communicate that much with property owners about what is required and why. I don't fully understand what FEMA's requirements are with my property being in a special zone very close to the ocean. I was told I need a permit even if I'm changing a doorknob. That's really a burden and I don't understand why. How does a doorknob affect flooding? And is the permit required even if you do the repairs yourself in this zone?
- Could someone please explain why a handyman doing repairs has to be licensed to do work in Dewey Beach. Who determines when a handyman type job becomes a construction job. Who determines when a job needs to be permitted. Who determines the cost of a permit and how is the cost calculated.

Building Permits & Processing Discussion

Historical

This topic has been discussed previously in 2024.

Charter & Code Review Committee

[01-17-2024.pdf](#)

[02-21-2024 Meeting Packet.pdf](#)

[04-10-2024 Meeting Packet.pdf](#)

Town Council

[06-21-2024 Meeting Packet.pdf](#)

FY 2024 Building Permit Financial & Statistical Data

Permits Issued - 489

11 Demo Permits

67 Permits had a \$0 fee

- 30 pruning permits
- 3 Permits for work being done for the town (trailer electric hookup; bayside sand additions)
- 34 Permits for materials/labor \$1000 or less

\$1001 - \$2500 - 61 Permits - \$3072 Permit fees

\$2501 - \$7500 - 111 Permits - \$14051 Permit fees

\$7501 - \$10000 - 56 Permits - \$13883 Permit fees

> \$10001 - 183 Permits

Chapter 71. Building Construction

§ 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 but not limited to fences, bulkheads, retaining walls, signs, driveways, flagpoles, towers, sidewalks and patios within the Town, shall first apply to the Town for a building permit. The applicant shall submit plans and specifications therefor, and shall not deviate from the plans and specifications as approved, unless authorized in writing by the Building Inspector.
[Amended 4-21-2023 by Ord. No. 808]
- 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 landward edge of the third buildable lot from the mean high water line of the ocean 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.
[Amended 4-21-2023 by Ord. No. 808]
- 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, provided renewal is applied for prior to expiration date. Projects for which the permit has expired will require a new permit based on a current construction cost estimate before continuing any work on the project.
[Added 7-15-1988 by Ord. No. 121; amended 9-12-1992 by Ord. No. 245; 6-16-2023 by Ord. No. 815]
- 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.

Chapter 71. Building Construction

§ 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]



TOWN OF DEWEY BEACH

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ORDINANCE NO. 573

Gordon E. Elliott
Town Manager

AN ORDINANCE TO AMEND SECTIONS 71-4 D OF THE CODE OF THE TOWN OF DEWEY BEACH TO PROVIDE FOR AN INCREASE IN THE THRESHOLD AMOUNT OF COSTS REQUIRED FOR THE ISSUANCE OF A BUILDING PERMIT FROM \$500.00 TO \$1,000.00

WHEREAS, the Commissioners of the Town of Dewey Beach find that it is appropriate, due to the increased costs of construction materials, to amend the provisions of Sections 71-4 D to increase the monetary threshold for the issuance of a building permit from \$500.00 to \$1,000.00 in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach,

NOW THEREFORE;

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware that:

Section 71-4 D is hereby amended by deleting the subsection in its entirety as follows:

“D. A building permit shall not be required for normal maintenance requiring less than \$500 of material costs.”

and inserting in lieu thereof the following:

D. A building permit shall not be required for normal maintenance requiring less than \$1,000.00 of material costs.

ORDAINED AND ENACTED into law this 9 th day of June, 2006.

Handwritten signature of Courtney Riordan in cursive.

COURTNEY RIORDAN
Mayor

Handwritten signature of Gordon Elliott in cursive.

GORDON ELLIOTT
Town Manager

Chapter 101. Flood Damage Reduction

Article III. Administration

§ 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.

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.