

## Building Permit Exception for Maintenance Projects

The Charter and Code Committee reviewed the existing exception from building permit requirements for maintenance projects in which material cost was less than \$1,000. The Committee recommended that this threshold be increased to \$3,500. The Town Council discussed this recommendation in September and while supportive of increasing the threshold, believe that using total project costs would be a better and more easily administrable basis for the threshold.

For maintenance projects, materials cost is generally a lower percentage of total costs than for construction projects. One search suggests that materials represent an average of 30% of total project cost. Some use a 1 to 2 ratio for materials vs labor and other costs.

<https://www.perplexity.ai/search/what-percentage-of-total-const-qdWDWz4HSKqzVCsf39le0Q#2>

It seems reasonable to assume that \$3,500 in materials translates to about \$10,000 in total costs.

For the 489 FY2024 permitted projects, 303 projects were \$10,000 or less in total project costs. Building permit fees for these projects totaled about \$31,000. Of the 303 projects, 34 were \$0 fee maintenance projects. There is no data to determine how many of remaining projects would be considered as maintenance.

Although projects below \$10,000 or other threshold could be excluded from permit fee requirements, could such projects be excluded completely from the permitting process? Or, should there be a simple online notification process that would alert the town to work being done and provide documentation for projects in flood zone areas?

The Town Council briefly discussed the definition for maintenance projects but did not offer suggestions for modifying it. The proposed definition is below, and additional research is included that may suggest modifications to the definition.

**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

## Research on Maintenance Definition Permit Requirements in Delaware

### Definition of "Maintenance" in Delaware Municipal Codes

While many Delaware municipalities adopt the **International Property Maintenance Code (IPMC)** as their baseline, they often do not provide a standalone definition of "maintenance." However, the concept is generally understood to include:

- **Routine upkeep** of structures and premises
- **Non-structural repairs** that do not alter the building's footprint or load-bearing elements
- **Cosmetic improvements** such as painting, cleaning, or replacing fixtures

For example:

- **Delaware City** and **Newark, DE** both adopt the IPMC, which emphasizes maintaining properties in a **safe, sanitary, and structurally sound** condition.
- The **Delaware State Housing Code** (Title 31, Chapter 41) refers to "maintenance" in the context of ensuring basic safety, sanitation, and habitability, but does not define it explicitly.


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### Are Maintenance Activities Exempt from Building Permits?

Yes—**many routine maintenance activities are exempt** from building permit requirements, particularly in counties like **New Castle County**. According to their published guidelines, the following are **explicitly exempt**:

#### Examples of Permit-Exempt Maintenance Activities:

- Painting, wallpapering, tiling, carpeting, cabinetry, and countertops
- Replacing windows and doors **of the same size** without altering structural framing
- Roof or siding replacement **not exceeding 25% of sheathing**
- Sidewalks, driveways, and non-structural patios
- Non-structural concrete slabs and decorative hardscaping
- Minor appliance or HVAC component replacements

 **Important Caveat:** Even if a permit is not required, **all work must still comply with applicable building and zoning codes**. Also, properties in **historic districts** may have additional review requirements.

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### Summary

- **Maintenance** is broadly interpreted as non-structural, routine upkeep.
- **Most maintenance activities are exempt** from permit requirements, especially if they do not involve structural changes, utility modifications, or safety-critical systems.
- Always check with the **local building department** for specific interpretations, especially in historic or environmentally sensitive zones.

Comparative analysis of how **Lewes, Rehoboth Beach, and Bethany Beach**, Delaware, define and regulate **maintenance activities**—especially in relation to **building permit requirements**:

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## Maintenance & Permit Requirements by Municipality

### 1. Lewes, DE

- **Code Adoption:** Lewes uses the **2021 ICC Property Maintenance Code**, which defines maintenance broadly as actions to keep structures safe, sanitary, and structurally sound.
  - **Permit Exemptions:**
    - Routine maintenance (e.g., painting, minor repairs) is generally **exempt** from permit requirements.
    - **Renovations, additions, and demolitions** require permits and inspections.
  - **Key Insight:** Lewes distinguishes between **cosmetic upkeep** and **structural or system-level changes**, with the latter requiring formal permitting.
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### 2. Rehoboth Beach, DE

- **Code Adoption:** Rehoboth Beach has adopted multiple ICC codes including the **Property Maintenance Code, Existing Building Code, and Residential Code.**
  - **Permit Exemptions:**
    - **Interior non-structural alterations** (e.g., finishes, siding, roofing) may be exempt but still require documentation.
    - All **new construction, remodeling, and additions** require permits.
  - **Key Insight:** While basic maintenance may not trigger a permit, Rehoboth Beach emphasizes **documentation and contractor licensing**, even for minor work.
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### 3. Bethany Beach, DE

- **Code Adoption:** Bethany Beach follows local ordinances and ICC standards, enforced by its Building Department.
  - **Permit Exemptions:**
    - **Repairs and replacements** (e.g., HVAC units, fuel tanks) typically require permits **only if installing new systems.**
    - Routine maintenance is **not explicitly defined**, but minor repairs appear to be **exempt.**
  - **Key Insight:** Bethany Beach requires permits for **new installations and structural repairs**, but **routine upkeep** is likely exempt unless it affects zoning or safety.
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