

Revised Recommendations for Review

1. Define Maintenance and Repairs for inclusion into town code

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 the town of Dewey Beach 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

Defined Maintenance Activities:

- **Routine upkeep** of structures and premises
- **Non-structural repairs** that do not alter the building's footprint or load-bearing elements
- **Cosmetic improvements** repairs are typically aesthetic in nature and do not involve major construction or code compliance issues.

Defined Standards for Minor Property Maintenance

- Repainting walls, trim, or exterior surfaces
- Replacing or refinishing flooring (e.g., carpet, tile, hardwood)
- Repairing drywall (e.g., patching nail holes or minor cracks)
- Updating fixtures (e.g., light switches, faucets, cabinet handles, doorknobs)
- Replacing windows and doors of the same size without altering structural framing
- Roof or siding replacement not exceeding 25% of existing sheathing
- Cleaning or power-washing surfaces
- Replacing window treatments or decorative elements
- Minor appliance or HVAC component replacements
- Non-structural alterations are allowed for patios, concrete slabs, decks and decorative hardscaping
- Replacing Cabinets or countertops with like materials and size

2. Standards for Soliciting Permit

Even if a town building permit is not required, all work must still comply with applicable building and zoning codes required by the Town, County or State.

Any service, repair or routine work as described **minor property maintenance** that is less than \$1000 (materials and labor) requires no notification to the town. Work can begin immediately.

Intermediate Maintenance (Notified Maintenance Work): Any maintenance activity that is greater than \$1,000 but less than \$10,000 (materials and labor) requires town notification

(email or a new form) and approval acknowledgement from the town of the work being proposed.

Commented [DL1]: This could be a new form

Commented [DL2R1]: This is required for both enforcement and compliance with FEMA requirements

Property Owner must provide information substantiating the total cost (labor and materials) for any Intermediate Maintenance activity greater than \$1000 but less than \$10000 as a component to town notification.

There will be no permit fees for any Intermediate Maintenance.

Any property maintenance or improvement exceeding \$10,000 in combined labor and materials shall be classified as a **Permit-Threshold Activity** and subject to review under applicable building and zoning codes.” This will include items such as surveys, architectural drawings, blueprints, etc., as well as materials and labor costs.

Permit-threshold activity is subject to all current permit fees.

Any property owner undertaking permitted work on a parcel governed by a homeowner’s association (HOA) or condominium authority shall attest that the proposed activity complies with applicable HOA or condominium standards and regulations.

Maintenance Activities in a Flood Plain: Maintenance activities are defined above. In accordance with FEMA regulations, any maintenance effort must not:

- Do not increase the structure’s market value by 50% or more
- Do not involve expansion, elevation, or enclosure of the structure
- Do not compromise flood-resistant design or materials

Compliance Review: The Town reserves the right to review any claimed maintenance activity to ensure it does not meet the threshold of “development” or ‘substantial improvement’ under NFIP regulations. If the work is determined to be a substantial improvement or otherwise regulated development, the property owner shall be required to obtain the appropriate permits and comply with all applicable floodplain management standards. Failure to comply will be considered a violation and subject to enforcement rules.

3. Enforcement:

The Town reserves the authority to request documentation verifying any maintenance project, regardless of whether the project was formally submitted for review or approval.

The Town reserves the authority to require documentation verifying that a valid business license has been obtained

The Town shall conduct inspections for all work performed under an issued building permit. The property owner is responsible for paying a fee equivalent to the cost of the

inspection required for permit verification. The Town retains the authority to designate the inspection official.

The Town shall maintain records of all **Intermediate Maintenance** or **Permit Threshold Activity** building permits issued over a rolling ten-year period. If a property owner is found to have conducted multiple maintenance activities which, when considered cumulatively, constitute work requiring a building permit, the owner shall be subject to enforcement actions for permit non-compliance.

4. Penalties for Building Permit Non-Compliance

Unauthorized Construction and Permit Violations

Any person, firm, or entity that initiates construction, alteration, or repair work requiring a building permit without first obtaining said permit shall be subject to enforcement actions as follows:

1. Stop-Work Order

- The Town shall issue an immediate stop-work order for any activity conducted without proper authorization.
- Work may not resume until a valid permit is obtained and all violations are resolved.

2. Civil Penalties

- A fine of up to \$500 per day may be assessed for each day the violation continues.
- Repeating offenses may incur escalating penalties, up to \$1,000 per day for subsequent violations.

3. Permit Surcharge

- A surcharge of 100% of the original permit fee may be applied to retroactive permits issued after unauthorized work has begun.

4. Corrective Action

- The property owner shall be responsible for any corrective measures required to bring the work into compliance with applicable codes.
- If work cannot be brought into compliance, removal or restoration to original condition may be ordered.

5. Lien Authority

- Unpaid fines, fees, or abatement costs may be recorded as a lien against the property.

6. Legal Action

- The Town reserves the right to pursue legal remedies, including injunctions or civil proceedings, to enforce compliance.

7. Unsanctioned work

- Any property owner, agent, or entity who undertakes work classified as “maintenance” but which exceeds the scope of defined non-structural maintenance activities—and would otherwise require a building permit—shall be

subject to enforcement actions, including but not limited to stop-work orders, fines, and corrective measures, as outlined in this ordinance.

Other town actions that should be considered by commissioners:

- 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
- Automate the permitting process via an online system – eliminates paper and ensure compliance