

# AGENDA ITEM E

## SUPPORTING

### DOCUMENTATION

Charter & Code Review Committee Recs Pg 2  
Building Permits

Town Staff Reports, Building Permits Pg 7

Charter & Code Review Committee Recs Pg 11  
Property Maintenance

Code Excerpts Pg 15  
[Click here for full version of municipal code](#)

**CHARTER & CODE REVIEW  
COMMITTEE  
BUILDING PERMIT  
RECOMMENDATIONS**

## 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 Property Maintenance

- Repainting walls, trim, or exterior surfaces
- Replacing or refinishing flooring (e.g., carpet, tile, hardwood)
- Repairing drywall or other wall or ceiling materials (e.g., patching nail holes or minor cracks)
- Updating fixtures (e.g., light switches, faucets, cabinet handles, door knobs)
- 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 **landscaping**

### 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 described as **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

**Commented [DL1]:** We discussed the standard for deck maintenance. We elected to cover it as part of the definition of minor maintenance \$1000 threshold. Commissioners may want to consider adopting something like roof or siding replacement not exceeding a percentage

**Commented [DL2]:** We approved \$10,000 as a limit for materials and labor. A suggestion was made for \$7,500 and the addition of increasing the limit by CPI on a yearly basis

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

Property owner must provide information substantiating the total cost (labor and materials) for any Intermediate Maintenance activity greater than \$1000 but less than \$10,000 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 cost.

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) and condominium authority shall attest that the proposed activity complies with applicable HOA or condominium standards and **regulations**.

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

- increase the structure's market value by 50% or more
- involve expansion, elevation, or enclosure of the structure
- 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

**Commented [DL3]:** The town will not enforce any HOA or Condo regulations.

There was strong comment that the town could at least notify an HOA or condo. There was no interest in the town validating HOA rules or holding up the permit granting process.

-----  
The Town reserves the right to conduct inspections for all work performed under as [minor, intermediate and all permit threshold activities; regardless as to whether a formal building permit is issued.](#)

The Town retains the authority to designate the inspection official.

[County will continue to provide inspection services for the activities included in the MOU](#)

[Town will inspect for code related compliance](#)

[Town will not validate the quality of the construction.](#)

[Town can provide an independent contractor to validate the quality of the work performed.](#)

[The town should conduct a workshop/education for public regarding what the permit process actually covers/provides](#)

**Commented [DL4]:** As the county does not inspect for 'renovations' the town should do so - at least for code compliance

**Commented [DL5]:** There was discussion that the town should provide inspections if the permitted job is greater than \$15,000. This could be done by an outsource inspector. The cost could be built into the permit charge.

#### 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.
- Repeat 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.
-

# TOWN STAFF REPORTS BUILDING PERMITS

## Permit Completion Report 4/1/25 to 9/30/25

The average amount of time for permit completion is:

- \$0 - \$1000 - 1.5 Days
- \$1001 - \$3000 - 2.76 Days
- \$3001 - \$5000 - 4.4 Days
- \$5001 - \$ 7000 - 3.45 Days
- \$7000 - \$10,000 - 2.19 Days
- \$10,001 - 6.3 Days

The Calculations are based on business days (5 day weeks, holidays also excluded).  
Time taken to collect application fees were excluded from these numbers.  
The # days to issue does include time the permit spent at the county as well as/or  
collecting additional information.

**A note regarding below: The figures below have more to do with when the permits were issued versus when the funds were collected. As such, the \$\$ do not necessarily align with the financial statements.**

**Building Permits (4/1/2024 – 3/31/2025)**

Permits Issued – 489

11 Demo Permits - \$16,500

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 - \$3,072 Permit fees

\$2501 - \$7500 - 111 Permits - \$14,051 Permit fees

\$7501 - \$10000 - 56 Permits - \$13,883 Permit fees

> \$10001 - 183 Permits - \$785,665

Building Permit App Fees \$31,500

**Building Permits (4/1/2023 – 3/31/2024)**

Permits Issued – 374

8 Demo Permits - \$12900

26 Permits had a \$0 Fee

- 19 Pruning Permits
- 1 Permit for work being done for the town (DBPD EV Charging Station)
- 2 Permit Change Orders
- 4 Permits for materials/labor \$1000 or less

<=\$1000 – 14 Permits - \$707

\$1001 - \$2500 – 47 Permits – \$2639 Permit Fees

\$2501 - \$7500 – 89 - \$18,450 Permit Fees

\$7501 - \$10,000 – 34 - \$9084.71 Permit Fees

>\$10001 – 156 - \$265769.5

Building Permit App Fees \$21,400

**Building Permits (4/1/2022 – 3/31/2023)**

Permits Issued – 412

8 Demo Permits - \$12,000

<=\$1000 – 14 Permits - \$707

\$1001 - \$2500 – 28 Permits – \$1,668 Permit Fees

\$2501 - \$7500 – 101 - \$14,095 Permit Fees

\$7501 - \$10,000 – 40 - \$10,496 Permit Fees

>\$10001 – 237 - \$1,065,230

Building Permit App Fees \$22,950

CHARTER & CODE REVIEW  
COMMITTEE  
PROPERTY MAINTENANCE  
RECOMMENDATIONS

# Town of Dewey Beach Minimum Standards for Property Condition and Exterior Compliance – Residential Property

The owner of any premises shall maintain all structures and exterior property in accordance with the standards set forth in this ordinance and the building code under which the structure was originally constructed. The owner or their designated agent is responsible for ensuring that all repairs, additions, or alterations are performed in full compliance with the Town of Dewey Beach Code.

## General – Exterior Structure

- The exterior of a structure (occupied or active) shall be maintained in clean, good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare. External Structures should be maintained so as not to cause a blighting problem.
- Property must be free from environmental hazards such as mold, asbestos, or lead paint exposure, especially in rental units or public-facing buildings.

## Vacant structures

- Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## Sidewalks and driveways

- Sidewalks, walkways, stairs, driveways, parking spaces and similar areas maintained free from hazardous conditions and are safe for use.

## Landscaping

- All premises and exterior property shall be maintained free from uncontrolled vegetation, including weeds or plant growth exceeding-12 inches in height.
- For the purposes of this ordinance, *weeds* shall be defined as any grasses, annual plants, or vegetation—excluding trees and shrubs—that are not intentionally cultivated or maintained. This definition does **not** include ornamental plants, cultivated flowers, garden crops, or landscaped shrubs that are actively managed as part of a designed planting area.
- Property owners are responsible for regular maintenance to prevent overgrowth, invasive species, or vegetation that may contribute to fire hazards, pest harborage, or visual blight.

## Rodent harborage

- Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**Accessory structures.**

- Any accessory structures, including swimming pools, hot tubs, detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**Accumulation of rubbish or garbage.**

- Exterior property and premises of every structure, shall be free from any accumulation of rubbish or garbage.
- There will be no disposal of rubbish or garbage into neighbor’s dumpsters or trash can(s) without permission
- Suggested definition of garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. (food waste and other organic matter).
- Suggested definition of rubbish: Dry, non-decomposable solid waste such as paper, wood, plastics, and yard debris.
- Suggest the commissioners assess a penalty charge for any violation of code related to rubbish or garbage; similar to tree ordinance.

**Drainage and Stormwater Management**

- Property shall be graded to prevent the accumulation of stagnant water and to direct runoff away from structures.
- Gutters, downspouts, and storm drains must be kept clear and functional.
- All water generated on a property—including stormwater, irrigation runoff, and similar sources—shall be managed entirely within the boundaries of that property. Discharge of water onto public streets, sidewalks, or adjacent properties is strictly prohibited. Property owners must implement appropriate grading, drainage systems, or containment measures to prevent off-site flow and ensure compliance with this requirement.

**Graffiti and Vandalism**

- Property owners shall remove graffiti or vandalism within a specified timeframe (e.g., 30 days after notification.
- Suggest the commissioners assess a penalty charge for any violation of code related to rubbish or garbage; similar to tree ordinance.
- 

**Outdoor Storage and Equipment**

**Commented [DL1]:** There is no definition for rubbish in our code. There is a definition for Garbage which is close to this. The second bullet is not mentioned in Chapter 153 and the committee wanted it to be included

**Commented [DL2]:** 185-54 does address

**§ 185-54 Parking and storage of certain vehicles.**  
[Amended 9-20-2024 by Ord. No. 843]

**A.** No motor vehicles shall be parked in the front yard of any lot except within an established driveway or within a marked parking space accessed from the driveway entrance of the lot, and parking is subject to applicable planting, green space, and open space requirements in Table 2, Bulk Zoning Requirements in All Districts.[1]

[1] *Editor's Note: Table 2 is included as an attachment to this chapter.*

**B.** No more than a total of two automotive vehicles and/or trailers of any kind or type without current license plates shall be parked or stored on any residentially zoned property other than in completely enclosed buildings.

**C.** All paved surfaces in the front, side and rear yards are to be covered with permeable materials or otherwise paved in a manner designed to create a permeable surface.

**Commented [DL3]:** See 185-51 speaks to the storage of a boat trailer...in the front yard

**Commented [DL4R3]:** Paragraph c: Accessory storage of a boat trailer or camp trailer shall not be allowed in a front yard. Accessory storage of mobile homes is prohibited.

- The outdoor storage of trailers, mobile homes, campers, and similar large vehicles or equipment is prohibited on residential property unless fully enclosed within a permitted structure or specifically authorized by zoning regulations.
- Smaller recreational items such as kayaks, canoes, paddleboards, and similar watercraft shall not obstruct sidewalks, driveways, or or create safety hazards.
- The outdoor storage of boats in a driveway is limited to two weeks.

**Commented [DL5]:** Review Table 3 from 185-25 (relates to RB and PRB districts; related to storage of a boat)

**Commented [DL6R5]:** Marine activities, including mooring, boat and trailer sales, storage, repairs and service. Boat and/or trailer displays of more than 3 1/2 feet in height shall conform to all setback and yard requirements

**Enforcement:**

Failure by a property owner or responsible agent to maintain the exterior condition of any property in accordance with applicable municipal standards—following issuance of a formal notice of violation—shall result in enforcement actions, including fines and penalties, as determined by the governing authority. If the violation is not remedied within the prescribed timeframe, the municipality or its authorized representatives may perform necessary corrective measures. All costs incurred by the town in restoring the property to compliance shall be charged to the owner or responsible party to include:

- **Progressive Penalties:** Escalating fines for repeated violations or failure to comply after initial enforcement.
- **Lien Authority:** Town may place a lien on the property for unpaid fines or remediation costs.
- **Emergency Abatement:** In cases of imminent danger, the town may act immediately to correct hazards without prior notice. All costs will be borne by the property owner
- Town may deny a rental license, building permit or a parking permit. If there is a violation or fine owed to the town.

# CODE EXCERPTS

# Chapter 153. Solid Waste

## § 153-1. Definitions.

[1] *Editor's Note: Pursuant to Ord. 724, adopted 1-9-2016, all definitions throughout the Code were transferred to Ch. 1, Art. III, Definitions.*

## § 153-2. Depositing garbage or refuse in public place prohibited.

[Amended 2-11-2017 by Ord. No. 737]  
It shall be unlawful and a nuisance to throw, place or deposit any ashes, garbage, refuse, trash or other foreign substance that is not properly containerized upon any sidewalk, crosswalk, avenue, street, lane, alley, bridge, park or other public place or upon any property within the limits of the Town of Dewey Beach.

## § 153-3. Depositing garbage or refuse on private property.

- A. Collected from within the Town: It shall be unlawful to throw, put, place or deposit any garbage or refuse collected or gathered from one lot upon or in front of any other lot within the Town.
- B. Collection from sources outside the Town: It shall be unlawful for any person to throw, put, place or deposit in, on or in front of any private or public property within the Town any garbage, ashes or refuse collected or gathered from a place outside the Town limits of the Town of Dewey Beach.

## § 153-4. Collection of trash and recyclables.

[Amended 7-9-1999 by Ord. No. 410; 2-12-2000 by Ord. No. 424; 4-6-2013 by Ord. No. 701; 3-17-2016 by Ord. No. 727; 2-11-2017 by Ord. No. 737]

- A. Requirements and applicability.
  - (1) Residential properties not offered for rent.
    - (a) Owners of residential properties may dispose of their trash by transporting it to an out-of-Town location without the use of a trash collection service.
    - (b) Owners of residential properties who contract for trash collection services shall engage the Town's designated vendor for the collection of trash and recyclables.
  - (2) Residential properties offered for rent, minimal requirements. Owners of any residential property which is the subject of a residential rental license shall contract with the Town's designated vendor for trash and recycling collection services. Minimal service collection frequency shall be twice weekly for trash and once weekly for recycling from May 1 through September 30 of each year. For any period between September 30 and May 1 of the subsequent year in which such property is rented, owners shall contract with the Town's designated vendor for not less than once weekly trash and recycling services. Additionally,

2

owners of properties offered for rent shall elect and maintain valet service from the Town's designated trash and recycling collection vendor during any period in which trash and recycling collection is required hereunder.

- (3) All businesses licensed by the Town of Dewey Beach which sell carry-out food products shall have a place at the entrance to their businesses, when open for business, a minimum of one trash container, said size, design, advertising slogan (no graphics), and dimension to be determined and approved by the Town Building Official. Each trash container will be lined with a plastic bag, and the container may contain the name of the business that is responsible for the maintenance of the can and may contain an approved advertising slogan. The trash and recyclables deposited in said container shall be emptied at least once each day or as soon as the container is filled to capacity, whichever occurs first. Seasonal businesses must remove the container when they are closed for business. The cost of obtaining these trash receptacles, their maintenance, and the removal of the trash and recyclables will be borne by the business.
- (4) Commercial and mixed-use properties. Commercial property owners may choose any trash and recycling collection vendor licensed by the Town of Dewey Beach to service their property. A residential dwelling unit owner of a property shared by a commercial entity may arrange to use the waste containers maintained by the commercial entity.
- (5) Multiunit residential properties (e.g., condos, townhouses, stacked cottages, duplexes). Owners of multiunit residential properties that do not have a commercial use on the property shall obtain service from the Town's designated residential trash and recycling vendor. This service may be arranged as a single account for a container, set of containers, or dumpster that is shared among all the residents of the property. For owners of such dwelling units, valet service is optional.
- (6) The Town Manager is hereby authorized to hear and grant exemptions to the requirements of this section to owners who demonstrate the existence of a defined term contract with an alternate vendor entered into prior to the enactment of this chapter.

B. General requirements governing all refuse, garbage and/or recyclables placed for pickup.

- (1) Refuse, garbage, recyclables and ashes.
  - (a) All trash, refuse, garbage, recyclables and ashes shall be enclosed in a rigid trash or recyclables container suitable for collection and disposal by a licensed trash collection and/or recycling company.
  - (b) Rigid containers shall have tight-fitting lids.
- (2) Yard waste and bulk waste.
  - (a) Property owners must contact the Town's designated vendor to arrange for pickup.
  - (b) Material may be placed out in a personal container, bundles no more than four feet in length, or biodegradable lawn and leaf bags. Branches and limbs may be no more than four inches in diameter.
- (3) Time limitation of placement. It shall be unlawful to store any residential or commercial trash or recyclables container, or yard waste or branches and sticks in any public right-of-way except between the hours of 12:00 noon Sunday through 8:00 p.m. Monday and 5:00 p.m. Thursday through 8:00 p.m. Friday. The Town shall void any ticket issued to a property owner for violation of this subsection who demonstrates he or she had valet service provided by the Town's designated vendor for the subject property in place at the time of the offense.

C. Collections. All persons engaged in the collection and removal of refuse and/or garbage, recyclable materials, ashes and yard waste, including those employed by the Town for that

3

purpose, shall collect and transport same through or along the avenues, streets, lanes, alleys or other public ways of the Town as follows:

- (1) In a sanitary, covered, liquid-tight container or motor vehicle body as set forth by the regulations of the Delaware Solid Waste Authority.
- (2) Only between the hours of 8:00 a.m. and 4:00 p.m.
- (3) For collections from residential properties, only on Mondays and Fridays unless an exception is approved in advance by the Town Manager.

## § 153-5. Public waste containers.

- A. All public waste containers placed by the Town along any public right-of-way or easement area of the avenues, streets, alleys or sidewalks of the Town shall be used by members of the general public as the place or places of disposal of waste paper and material accumulated by the members of the general public, aforesaid, while using the public ways of the Town. To this end, no person engaged in business, either as owner, manager, operator, employer, or other capacity, and no person residing in any dwelling, either as owner, tenant, employee or guest, shall dispose of or place any garbage, ashes or refuse in any public waste containers of the Town.
- B. The Town shall collect from all businesses an annual business license fee covering the cost of collection from the public trash containers. The Town shall collect from all property owners receiving rental licenses an annual rental license fee covering the cost of collection from the public trash containers. The amount of the annual fees shall be set by the Town Commissioners when the annual budget is approved and shall be billed on an annual basis, due and payable as part of the business or rental license fee. The amount of such annual fee shall be established by resolution and set out in the Town's Schedule of Fees.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 93, Fees.*

## § 153-6. Violations and penalties.

[Amended 12-6-2008 by Ord. No. 636; 4-6-2013 by Ord. No. 701; 3-17-2016 by Ord. No. 727; 5-14-2021 by Ord. No. 765]

Any person violating any provision of this chapter shall have committed a civil offense pursuant to Chapter **80** of the Municipal Code of the Town of Dewey Beach. Each violation shall incur a fine of \$75 for the first offense, \$150 for the second offense, and \$300 for any offense thereafter.

## § 153-7. Removal by Town; recovery of expense.

- A. In addition to the sanctions described in § **153-6** hereinabove, if, within five days after written notice from the Town Manager, to the owner, lessee, or possessor of land or improved premises, of a condition which violates the provisions of this chapter, the condition has not been corrected or removed, the Town Manager may take action to correct the condition and incur any expense necessary to correct or remove the condition. These corrections include, but are not limited to, the removal of permanent trash enclosures or dumpsters from the public right-of-way. For reasons of public health and sanitation, registered mail notice to the owner of such land shall not be required.

[Amended 3-17-2016 by Ord. No. 727]

- B. Any expense of removal or correction incurred by the Town under this chapter shall be paid by the owner of the land or the improved premises within 10 calendar days after written notice thereof by certified mail, registered mail, or first-class mail accompanied by a certificate of mailing to the owner of the property. If said amount is not paid within such time, such amount, together with a penalty of 10% of such expense and interest on such expense of 6% per annum,

4

shall be assessed against the land or improved premises and shall, until paid, constitute a lien against such land or improved premises in favor of the Town upon the filing by the Town Attorney of a certificate of lien setting forth the amount of such expense, including penalty and interest.  
[Amended 2-11-2017 by Ord. No. 737]

- C. In addition to any other remedy, the Town may maintain a civil action for the recovery of such expense of removal and the penalty and interest against the owner or possessor and shall be awarded reasonable attorney's fees.
- D. No civil liability shall attach to any act of any contractor or Town employee engaged in carrying out the provisions of this chapter.

**§ 185-94. Stormwater runoff and guttering and downspouts. [Added 7-19-2024 by Ord. No. 841]**

- A. Construction of a new residential structure or new residential and commercial mixed-use structure, or renovation of a residential or mixed-use structure that increases the impervious roof surface of the area of the structure, requires the utilization of gutters and downspouts.
- B. The discharge point for downspouts on all new, renovated, and existing structures shall be not less than four feet from the nearest property boundary line, or greater distance if necessary to contain discharge from downspouts within the boundaries of the property.
- C. Any existing residential or mixed-use structure that does not satisfy the downspout discharge requirements of Subsection B shall be modified to satisfy the requirements within 90 days after notification by the Town Building Official. Failure to correct deficiencies within this period is subject to a fine of \$250. A new \$ 250 fine shall be levied for each subsequent thirty-day period in which deficiencies remain uncorrected. The initial ninety-day period may be extended at the discretion of the Building Official.

Town of Dewey Beach, DE  
Monday, November 17, 2025

## Chapter 185. Zoning

### Article VIII. Supplementary Height, Area and Bulk Regulations

#### § 185-51. Accessory buildings and structures.

[Amended 3-14-2009 by Ord. No. 654; 8-24-2018 by Ord. No. 744; 3-15-2024 by Ord. No. 835]

- A. A hedge, fence or wall not more than 3.5 feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Any fence, hedge, or wall for residential use may project into or enclose other required yards, provided such fences, hedges, and walls do not exceed a height of seven feet. This height limit does not apply to fences or walls used for commercial screening or tennis courts.
- B. Accessory swimming pools, open and unenclosed, may occupy a required yard or side yard, provided they are not located closer than 10 feet to an interior side lot line or six feet to a rear lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier at least 4.5 feet in height and constructed of concrete, stockade wood or material of equal quality.
- C. Accessory storage of a boat trailer or camp trailer shall not be allowed in a front yard. Accessory storage of mobile homes is prohibited.
- D. An accessory building which is not a part of the main building may be constructed in a rear yard three feet from the side lot line and three feet from the rear lot line, provided such accessory building contains not more than 200 square feet of area, is not more than 12 feet in height and is used exclusively for storage and not for residential purposes.
- E. A satellite antenna not exceeding four feet in diameter shall be permitted as a freestanding structure only in the rear yard and shall be subject to the same setbacks and height restrictions as an accessory building. A satellite antenna not more than four feet in diameter shall be permitted on the roof of a residential, commercial or mixed-use structure; however, any satellite antenna greater than four feet in diameter to be installed on any building in all districts requires a conditional-use approval.
- F. No portion of any building lot area developed with a residential use or a mixed commercial and residential use in any district of Dewey Beach shall be covered or paved with impervious materials, installed in a manner as to create an impervious surface for any ground level surface, including driveways, parking spaces, and sidewalks, or any other structure not directly under roof. A swimming pool walk space required in § **185-51B** may have an impervious surface, but the walk space may be no wider than three feet. Impervious surfaces existing before March 14, 2009, may continue as a nonconforming structure, and may be repaired, but shall not be expanded horizontally or vertically, nor rebuilt or replaced with impervious materials.
- G. No portion of any driveway entrance constructed on the public right-of-way developed with a residential use or a mixed commercial and residential use in any district of Dewey Beach may be covered or paved with impervious materials, including but not limited to poured concrete, asphalt, brick, impervious pavers, or flag stones, installed in a manner as to create an impervious surface.

ARTICLE II  
**Weeds and Vegetation**  
[Adopted 6-10-1994 by Ord. No. 297 (§ 633 of the 1984 Code)]

**§ 138-7. Unregulated growth prohibited.**

No owner or occupier of any lot, place or area within the corporate limits of the Town, nor any agent of such owner or occupier, shall permit on such lot, place or area or upon any sidewalk abutting such lot any unregulated growth of weeds, grass or other vegetation.

**§ 138-8. Notification to cut weeds.**

The Building Official is authorized and directed to notify, in writing, by certified mail with return receipt requested, by postage prepaid, the owner or occupier of any lot, place or area within the corporate limits of the Town or the agent of the owner or occupier to cut, destroy and remove any unregulated growth found growing, lying or located on such owner's or occupier's property or upon the sidewalk abutting the same.

**§ 138-9. Effect of notice.**

The owner, occupier, or the agent of the owner or occupier of any lot, place or area having in any calendar year received notice pursuant to the provisions of § 138-8 shall be deemed to have received notice for the remainder of the year that on the first day of each month thereafter, commencing May 1 through October 1, both dates inclusive, the Town may, without further notice cut, destroy and remove all unregulated growth growing, lying or located on such owner's or occupier's property or upon the sidewalk abutting the same and that the cost of such removal shall be charged and collected in accordance with the provisions of this article.

**§ 138-10. Removal by Town.**

Upon the failure, neglect or refusal of any owner or occupier or the agent of such owner or occupier to cut, destroy and remove any unregulated growth lying or located on such owner's or occupier's property or upon the sidewalk abutting the same within five days after receipt of such written notice or within 10 days of the mailing of such notice, in the event that the notice is returned to the post office due to the inability to make delivery thereof, the Building Official is authorized to remove and to pay for the cutting, destroying or removal of such unregulated growth.

**§ 138-11. Cost of removal by Town; payment by owner.**

Whenever the Building Official has effected the removal of any unregulated growth or has paid for its removal pursuant to the provisions of this article, the actual cost thereof, together with additional charge of 20% of the actual charge to defray administrative expenses, plus accrued interest at the rate of 24% per annum from the date of completion of the work, if not paid by the owner or occupier prior thereto, shall be charged to the owner or occupier of such property on the next beach tax bill. Such charge shall be due and payable by the owner at the time of payment of such tax bill.