

## **E. Discuss and Possibly Vote on Recommendations Related to Building Permit Requirements**

This agenda item includes consideration of a draft ordinance on building permit requirements for maintenance activities and related issues. The discussion will include a possible vote on:

- A draft ordinance that provides exceptions from permit requirements for maintenance projects that do not exceed certain cost thresholds,
- A recommendation that the Town should modify the building permit application process to provide notification, as determined appropriate by legal counsel, to a homeowners association when a property governed by the HOA is to be renovated, and
- A recommendation that the Town should conduct a workshop or other effort to educate the public on building permit requirements, amendments made to the requirements, and the scope of inspections by the County and Town.



2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

## ORDINANCE NO.

### AN ORDINANCE TO AMEND CHAPTER 1-16, DEFINITIONS, CHAPTER 71, BUILDING CONSTRUCTION, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO DEFINE MAINTENANCE ACTIVITIES AND SPECIFY CONDITIONS FOR WHICH BUILDING PERMITS AND FEES ARE NOT REQUIRED FOR SUCH ACTIVITIES

**WHEREAS**, the Commissioners wish to encourage property owners to keep properties in good repair; and

**WHEREAS**, the Commissioners wish to ensure reasonable requirements for building permits and fees when property owners wish to make routine repairs and other maintenance activities intended to maintain their property in safe, sanitary, and functional condition; and

**WHEREAS**, the Commissioners recognize the need to provide clear definitions for repairs and other activities that are included as property maintenance.

**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 Chapter 1-16 of the Code of Ordinances by inserting the following definition:

#### MAINTENANCE

- A. 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, 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.
- B. Maintenance Activities include:
  - 1. Routine upkeep of structures and premises
  - 2. Non-structural repairs that do not alter the building’s footprint or load-bearing elements
  - 3. Cosmetic improvements repairs are typically aesthetic in nature and do not involve major construction or code compliance issues.
- C. Specific Property Maintenance Activities include:
  - 1. Repainting walls, trim, or exterior surfaces
  - 2. Replacing or refinishing flooring (e.g., carpet, tile, hardwood)
  - 3. Repairing drywall or other wall or ceiling materials (e.g., patching nail holes or minor cracks)
  - 4. Updating fixtures (e.g., light switches, faucets, cabinet handles, doorknobs), excluding any relocation of plumbing fixtures and upgrading or relocation of electrical outlets and circuitry

- 42 5. Roof or siding replacement not exceeding 25% of existing sheathing
- 43 6. Cleaning or power-washing surfaces
- 44 7. Replacing window treatments or decorative elements
- 45 8. Minor appliance or HVAC component replacements
- 46 9. Non-structural alterations are allowed for patios, concrete slabs, decks and decorative
- 47 hardscaping

48 **Section 2.** Amend Chapter 71-4 of the Code of Ordinances as depicted by highlighted insertions,  
49 strikeouts and substitutions depicted below:

50  
51 § 71-4 Fees and conditions for permits.

52  
53 A. The required fee for permits issued pursuant to § 71-3 hereof shall be established by resolution  
54 of the Commissioners, and listed in the Schedule of Fees for the Town.

55 B. The permit application fee shall not be refundable.

56 C. All construction, repairs, alteration, or additions shall comply with the requirements of any  
57 Building Code adopted by the Town, Chapter 185, Zoning, and the Town ordinances, all as  
58 amended from time to time.

59 D. ~~A building permit shall not be required for normal maintenance requiring less than \$1,000 of~~  
60 ~~material costs.~~ Maintenance activities as defined in the Code of Ordinances shall not be subject  
61 to building permit requirements under the following conditions:

62 1) Any service, repair or routine work that satisfies the definition of maintenance activity  
63 and has a total cost, including materials and labor, of less than \$1,000 shall be  
64 considered minor property maintenance and shall not require a building permit or fee.  
65 Work may begin immediately and requires no application or other notification.

66 2) Any service, repair or routine work that satisfies the definition of maintenance activity  
67 and has a total cost, including materials and labor, of at least \$1,000 but less than  
68 \$10,000 shall be considered intermediate property maintenance and shall not require a  
69 building permit or fee, subject to the following conditions:

70 a) Notification of such work must be provided to the Building Official in an  
71 officially designated manner.

72 b) Such notification shall include a description of the maintenance activity to be  
73 performed and information substantiating the total cost (including labor and  
74 materials) of the maintenance work.

75 c) Work may proceed upon approval acknowledgement of the proposed activity  
76 by Town Building Official.

77 3) All maintenance activities that are \$10,000 or greater in combined labor and materials  
78 shall be subject to all building permit requirements.

79 4) In accordance with FEMA regulations, any maintenance effort in a flood plain must not:

80 a) increase the structure's market value by 50% or more;

81 b) involve expansion, elevation, or enclosure of the structure; or

82 c) compromise flood-resistant design or materials.

83 5) Additional Standards for maintenance activities

84 a) All work must comply with applicable building and zoning codes required by  
85 the Town, County or State whether or not a building permit is required.

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

89 **Section 3.** Amend Chapter 71-8 of the Code of Ordinances as depicted by highlighted insertions,  
90 strikeouts and substitutions depicted below:

91 § 71-8 Enforcement; violations and penalties.

92 A. It shall be the duty of the Building ~~Inspector~~ Official to enforce the provisions of this chapter and  
93 to refuse to issue any permit for any building or certificate of occupancy for the use of any  
94 premises which would violate any of the provisions of said chapter. It shall also be the duty of all  
95 officers and employees of the Town to ~~assist the enforcing officer by reporting~~ report to the  
96 Building ~~Inspector~~ Official any seeming violation of new construction, reconstruction or land  
97 use.

98 B. The Town reserves the right to conduct inspections of all work performed, regardless of whether  
99 a formal building permit was issued, and to designate the inspection official.

100 1) Inspections will seek to ensure that work is consistent with all code requirements and  
101 with the approved building permit, if applicable.

102 2) Inspection is required for any project for which total cost is at least \$15,000, and the  
103 cost of the inspection will be added to the building permit fee.

104 3) Inspections will not validate the quality of work performed.

105 C. In case any building is erected, constructed, reconstructed, altered, repaired, or converted or  
106 any building or land is used in violation of this chapter, the Building ~~Inspector~~ Official is  
107 authorized and directed to institute any appropriate civil action to put an end to such violation.

108 D. Any person who shall violate any of the provisions of this chapter or who fails to comply  
109 therewith, or with any of the requirements thereof, or who shall build or alter any building in  
110 violation of any detailed statement or plan submitted and approved hereunder shall have  
111 committed a civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey  
112 Beach. Each day such violation shall be permitted to exist shall constitute a separate offense.  
113 The owner or owners of any building or premises, or part thereof, where anything in violation of  
114 this chapter shall be placed, or shall exist, and any architect, builder, contractor, agent, person,  
115 or corporation employed in connection therewith and who has assisted in the commission of  
116 any such violation, shall have committed a separate civil offense pursuant to Chapter 80 of the  
117 Municipal Code of the Town of Dewey Beach, and shall be subject to an assessment as  
118 hereinbefore provided.  
119

120 E. Violations of the provisions of this chapter shall be subject to the following enforcement actions:

- 121 1) Stop-Work Order
- 122 The Town shall issue an immediate stop-work order for any activity conducted without
- 123 proper authorization. Work may not resume until a valid permit is obtained and all
- 124 violations are resolved.
- 125 2) Civil Penalties
- 126 A fine of up to \$500 per day may be assessed for each day the violation continues.
- 127 Repeat offenses may incur escalating penalties, up to \$1,000 per day for subsequent
- 128 violations.
- 129 3) Permit Surcharge
- 130 A surcharge of 100% of the original permit fee may be applied to retroactive permits
- 131 issued after unauthorized work has begun.

133 **Section 4.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for  
134 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of  
135 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this  
136 end, the provisions of this Ordinance are hereby declared to be severable.

138 **Section 5.** This Ordinance shall take effect immediately upon its passage by a majority vote of the  
139 Commissioners of the Town of Dewey Beach.

141 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 19th day of  
142 December, 2025.

144 SYNOPSIS

146 This Act defines property Maintenance activities, provides exceptions from building permit  
147 requirements for maintenance activities below specific cost thresholds, and specifies enforcement  
148 actions and penalties for non-compliance.

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

156 \_\_\_\_\_  
Town Manager, Bill Zolper

157