



Town of Dewey Beach

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ORDINANCE NO.

4 **AN ORDINANCE TO AMEND CHAPTER 138, PROPERTY MAINTENANCE, OF THE**
5 **MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO REVISE REQUIREMENTS**
6 **FOR PROPERTY MAINTENANCE AND ESTABLISH PENALTIES FOR VIOLATIONS**

7 **WHEREAS**, the Commissioners wish to ensure that all premises and structures are
8 maintained so as not to pose a threat to public health, safety, or welfare; and

9 **WHEREAS**, the Commissioners believe that new provisions are needed to provide specific
10 requirements for property maintenance; and

11 **WHEREAS**, the Commissioners believe that notification requirements and penalties for
12 violations promote appropriate maintenance of properties.

13 **NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of
14 Dewey Beach, Sussex County, Delaware, in session met, as follows:

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16 **Section 1.** Amend Chapter 138 of the Code of Ordinances as depicted by strikeouts and
17 substitutions depicted below:

18 § 138-7 ~~Unregulated growth prohibited~~ Landscaping and vegetation maintenance.

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

22 A. General Requirements. All premises and exterior property shall be maintained free
23 from uncontrolled vegetation, including weeds or plant growth exceeding twelve
24 (12) inches in height.

25 B. Definition of weeds. For the purposes of this section, “weeds” shall mean any
26 grasses, annual plants, or vegetation—excluding trees and shrubs—that are not
27 intentionally cultivated or maintained. This definition does not include ornamental
28 plants, cultivated flowers, garden crops, or landscaped shrubs that are actively
29 managed as part of a designed planting area.

30 C. Property owner responsibilities. Property owners shall be responsible for regular
31 maintenance of all exterior property areas to prevent:

32 1) Overgrowth of vegetation;
33 2) The spread of invasive species;

34 3) Vegetation conditions that may contribute to fire hazards;
35 4) Vegetation that may create or harbor pests or vermin;
36 5) Vegetation that creates an unsafe, unsanitary, or visually detrimental
37 conditions on the premises or adjacent properties.

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39 **Section 2.** Amend Chapter 138 of the Code of Ordinances by adding Article III to read as follows:

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41 Article III Exterior Structure and Property Maintenance Standards

42 §138-12. Exterior Structure – General Requirements.

43 A. Maintenance Required.

44 The exterior of every structure, whether occupied or unoccupied, shall be maintained in
45 a clean, sanitary, structurally sound, and good state of repair so as not to pose a threat
46 to public health, safety, or welfare.

47 B. Condition of Exterior Elements.

48 Exterior structural elements, façades, and appurtenances shall be maintained so as
49 not to exhibit conditions of deterioration, including but not limited to broken, missing,
50 or rotted building materials; peeling or flaking paint; damaged siding or roofing;
51 unsecured or open doors, windows, or other building openings; accumulation of trash,
52 debris, or discarded materials; or overgrown vegetation that obstructs access, visibility,
53 or safe use of the property.

54 C. Environmental Hazards.

55 All structures and properties shall be maintained free from environmental hazards,
56 including but not limited to mold, asbestos, and lead-based paint exposure.

57 §138-13 Accessory Structures.

58 Any accessory structures, including but not limited to swimming pools, hot tubs, detached
59 garages, fences, and walls, shall be maintained in a structurally sound condition and in
60 good repair.

61 §138-14 Rodent harborage

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

§138-15 Notification of Violation.

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 property within the corporate limits of the Town or the agent of the owner or occupier when maintenance of the property poses a threat to public health, safety, or welfare. Notification shall include a list of maintenance elements to be addressed.

§ 138-16. Effect of notice.

The owner, occupier, or agent shall within 30 days after the date of the return receipt for the notice of violation provide acknowledgement of the notice and a plan for addressing the maintenance elements included in the notice. The plan shall include a timeline for completion of the maintenance elements within 180 days after the date of the acknowledgement.

§138-17. Penalties.

Failure to acknowledge the notice of violation within the required 30 days shall be subject to a penalty of \$250. An additional penalty of \$250 shall be levied for each 30-day period during which acknowledgement has not been received. Failure to complete maintenance elements with the required 180-day period shall be subject to a \$250 fine for each 30 days beyond the initial 180 days. The Building Official shall have discretion to extend these time periods and waive fines as warranted depending on specific circumstances for a given property.

Section 3. If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 13th day of February, 2026.

SYNOPSIS

This Act provides new requirements for the maintenance of properties within Dewey Beach, processes for notification of violations, and penalties for violations.

Mayor, William Stevens

Town Manager, Bill Zolper

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