



ORDINANCE NO.

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

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

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

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

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 138 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

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

~~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.~~

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

B. Definition of weeds. For the purposes of this section, “weeds” shall mean 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.

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

- 1) Overgrowth of vegetation;
- 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.

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§ 138-16. Effect of notice.

§138-17. Penalties.

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.

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

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

Town Manager, Bill Zolper

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