

FOR DISCUSSION

Proposed Amendments to Building Permit Requirements for Maintenance Projects in Commercial Properties

Below are suggested amendments to Ordinance 866-2025 that was approved on December 19, 2025. The ordinance revises building permit requirements for maintenance activities in all properties. The proposed amendments to paragraph D of the ordinance are intended to provide the Town with the information it requires but reduces the reporting burden on commercial properties during the summer season.

D.]Maintenance activities as defined in the Code of Ordinances shall not be subject to building permit requirements under the following conditions:

1. Any service, repair or routine work that satisfies the definition of maintenance activity and has a total cost, including materials and labor, of less than \$1,000 shall be considered minor property maintenance and shall not require a building permit or fee. Work may begin immediately and requires no application or other notification.
2. Any service, repair or routine work that satisfies the definition of maintenance activity and has a total cost, including materials and labor, of at least \$1,000 but less than \$10,000 shall be considered intermediate property maintenance and shall not require a building permit or fee, subject to the following conditions:
 - a. Notification of such work must be provided to the Building Official in an officially designated manner.
 - b. Such notification shall include a description of the maintenance activity and information substantiating the total cost (including labor and materials) of the maintenance work.
 - c. For residential properties during all months and commercial properties during the months of October through April, work may proceed upon approval acknowledgement of the proposed activity by the Town Building Official.
 - d. During the months of May through September, commercial property intermediate maintenance projects may proceed without prior acknowledgement and approval. For each of these months, commercial properties shall submit a report on intermediate maintenance projects for the previous month. Reports shall be submitted by June 15, July 15, August 15, September 15, and October 15. Reports shall list for each intermediate maintenance project a description of the maintenance activity and information substantiating the total cost (including labor and materials) of the maintenance work.
3. All maintenance activities that are \$10,000 or greater in combined labor and materials shall be subject to all building permit requirements.
4. In accordance with FEMA regulations, any maintenance effort in a flood plain must not:
 - a. increase the structure's market value by 50% or more;
 - b. involve expansion, elevation, or enclosure of the structure; or
 - c. compromise flood-resistant design or materials.
5. Additional Standards for maintenance activities
 - a. All work must comply with applicable building and zoning codes required by the Town, County or State whether or not a building permit is required.
 - b. The Town reserves the authority to request documentation verifying any maintenance project, regardless of whether the project was formally submitted for review or approval.



ORDINANCE NO. 866-2025

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

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

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

§ 71-4 Fees and conditions for permits.

- A. The required fee for permits issued pursuant to § 71-3 hereof shall be established by resolution of the Commissioners, and listed in the Schedule of Fees for the Town.
- B. The permit application fee shall not be refundable.
- C. All construction, repairs, alteration, or additions shall comply with the requirements of any Building Code adopted by the Town, Chapter 185, Zoning, and the Town ordinances, all as amended from time to time.
- D. ~~A building permit shall not be required for normal maintenance requiring less than \$1,000 of material costs.~~ Maintenance activities as defined in the Town Code of Ordinances shall not be subject to building permit requirements under the following conditions:
 - 1) Any service, repair or routine work that satisfies the definition of maintenance activity and has a total cost, including materials and labor, of less than \$1,000 shall be considered minor property maintenance and shall not require a building permit or fee. Work may begin immediately and requires no application or other notification.
 - 2) Any service, repair or routine work that satisfies the definition of maintenance activity and has a total cost, including materials and labor, of at least \$1,000 but less than \$10,000 shall be considered intermediate property maintenance and shall not require a building permit or fee, subject to the following conditions:
 - a) Notification of such work must be provided to the Building Official in an officially designated manner.
 - b) Such notification shall include a description of the maintenance activity to be performed and information substantiating the total cost (including labor and materials) of the maintenance work.
 - c) Work may proceed upon approval acknowledgement of the proposed activity by Town Building Official.
 - 3) All maintenance activities that are \$10,000 or greater in combined labor and materials shall be subject to all building permit requirements.
 - 4) In accordance with FEMA regulations, any maintenance effort in a flood plain must not:
 - a) increase the structure's market value by 50% or more;
 - b) involve expansion, elevation, or enclosure of the structure; or

c) compromise flood-resistant design or materials.

5) Additional Standards for maintenance activities

- a) All work must comply with applicable building and zoning codes required by the Town, County or State whether or not a building permit is required.
- b) The Town reserves the authority to request documentation verifying any maintenance project, regardless of whether the project was formally submitted for review or approval.

E. Maintenance that is needed on an emergency basis may proceed immediately with notification of the Town within five business days. The maintenance must still comply with the Town Code.

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

§ 71-8 Enforcement; violations and penalties.

- A. It shall be the duty of the Building ~~Inspector~~ Official to enforce the provisions of this chapter and to refuse to issue any permit for any building or certificate of occupancy for the use of any premises which would violate any of the provisions of said chapter. It shall also be the duty of all officers and employees of the Town to ~~assist the enforcing officer by reporting report~~ to the Building ~~Inspector~~ Official any seeming violation of new construction, reconstruction or land use.
- B. The Town reserves the right to conduct inspections of all work performed, regardless of whether a formal building permit was issued, and to designate the inspection official.
 - 1) Inspections will seek to ensure that work is consistent with all Town code requirements and with the approved building permit, if applicable.
 - 2) Inspection is required for any project for which total cost is at least \$15,000, and the cost of the inspection will be added to the building permit fee.
 - 3) Inspections will not validate the quality of work performed.
- C. In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land is used in violation of this chapter, the Building ~~Inspector~~ Official is authorized and directed to institute any appropriate civil action to put an end to such violation.
- D. Any person who shall violate any of the provisions of this chapter or who fails to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall have committed a civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey Beach. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this chapter shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who has assisted in the commission of any such violation, shall have committed a separate civil offense pursuant to Chapter 80 of the

Municipal Code of the Town of Dewey Beach, and shall be subject to an assessment as hereinbefore provided.

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

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.

Section 4. 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 5. This Ordinance shall take effect April 1, 2026.

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

SYNOPSIS

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



Mayor, William Stevens



Town Manager Bill Zolper