



ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 185-94 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO REVISE REQUIREMENTS FOR STORMWATER RUNOFF, GUTTERING AND DOWNSPOUTS

WHEREAS, new development can increase stormwater runoff and alter natural drainage patterns; and

WHEREAS, unmanaged stormwater and irrigation runoff discharged onto public streets, sidewalks, or neighboring properties can create safety hazards, contribute to flooding, and accelerate wear on public infrastructure; and

WHEREAS, requiring on-site management of all water generated on a property promotes responsible development practices and protects adjacent properties and public rights-of-way; and

WHEREAS, ensuring that construction plans include adequate grading, drainage systems, or containment measures is necessary to prevent off-site water flow and safeguard the health, safety, and welfare of the Town of Dewey Beach.

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 185-94 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

- 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.~~

C. Construction or renovation of new residential and commercial mixed-use structures shall ensure that 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. Construction plans must include appropriate grading, drainage systems, or containment measures to prevent off-site flow and ensure compliance with this requirement.

D. Any existing residential or mixed-use structure that does not satisfy the downspout discharge requirements of Subsection B or C 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.

Section 2. 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 3. 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 -- day of --, 2026.

SYNOPSIS

This Act adds a new subsection requiring that all water generated on new residential and mixed-use properties - including stormwater and irrigation runoff - be fully managed within the boundaries of the property. The amendment prohibits the discharge of water onto public streets, sidewalks, or adjacent properties and requires construction plans to include appropriate grading, drainage, or containment measures to prevent off-site flow and protect public infrastructure and neighboring properties.

Mayor, William Stevens

Town Manager, Bill Zolper