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**ORDINANCE NO.**

**AN ORDINANCE TO AMEND CHAPTER 71, BUILDING CONSTRUCTION, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO SPECIFY CONDITIONS FOR WHICH BUILDING PERMITS AND FEES ARE NOT REQUIRED FOR MAINTENANCE ACTIVITIES ON COMMERCIAL PROPERTIES**

**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 requirements for commercial properties that accommodate the volume of repairs and other maintenance activities,

**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 71-4 of the Code of Ordinances as depicted by 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. 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

35 than \$10,000 shall be considered intermediate property maintenance and shall not  
36 require a building permit or fee, subject to the following conditions:

37 a) Notification of such work for residential properties must be provided to the  
38 Building Official in an officially designated manner.

- 39 1. Such notification shall include a description of the  
40 maintenance activity to be performed and information  
41 substantiating the total cost (including labor and  
42 materials) of the maintenance work.
- 43 2. Work may proceed upon approval acknowledgement of  
44 the proposed activity by Town Building Official.

45 b) Intermediate maintenance projects in commercial properties may proceed  
46 without prior acknowledgement and approval. By the 15<sup>th</sup> of each month,  
47 commercial properties shall submit a report on intermediate maintenance  
48 projects for the previous month. Reports shall list for each intermediate  
49 maintenance project a description of the maintenance activity and  
50 information substantiating the total cost (including labor and materials) of  
51 the maintenance work.

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

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

- 56 a) increase the structure's market value by 50% or more;
- 57 b) involve expansion, elevation, or enclosure of the structure; or
- 58 c) compromise flood-resistant design or materials.

59 5) Additional Standards for maintenance activities

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

65 E. Maintenance that is needed on an emergency basis may proceed immediately with  
66 notification of the Town within five business days. The maintenance must still comply with the  
67 Town Code.  
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75 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for  
76 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of  
77 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this  
78 end, the provisions of this Ordinance are hereby declared to be severable.  
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80 **Section 3.** This Ordinance shall take effect April 1, 2026.

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82 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 20th day of  
83 March, 2026.

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SYNOPSIS

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88 This Act specifies reporting requirements for commercial property maintenance activities costing at  
89 least \$1,000 but less than \$10,000 for which building permit applications and fees are not required.

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Mayor, William Stevens

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Town Manager, Bill Zolper

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