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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 101, REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, REGARDING PLACEMENT OF ELECTRICAL, HVAC, PLUMBING AND SERVICE EQUIPMENT

WHEREAS, Section 101-21 of the Code of Ordinances of the Town of Dewey Beach establishes standards for the construction and improvement of buildings and structures located within special flood hazard areas; and

WHEREAS, the Town seeks to ensure that buildings and structures within flood-prone areas are designed and constructed to resist flood loads, reduce damage, and protect life and property; and

WHEREAS, the Town desires to align its Code with current best practices, FEMA guidance, and CRS program objectives in order to enhance community resilience and environmental stewardship; and

WHEREAS, the proposed amendments to § 101-21 are intended to further the Town’s commitment to improved floodplain management, public safety, and long-term sustainability.

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 Section 101-21 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

§ 101-21 Buildings and Structures.

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas, and buildings and structures to be located on previously filled areas where the filled ground surface is less than 18 inches above the base flood elevation, shall meet the following requirements. (SB 64 Recommended Standard 9; Shallow fill above BFE does not exempt structure from regulation)

- A. Be designed (or modified) and constructed to safely resist flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation, including hydrodynamic and hydrostatic loads and the effects of buoyancy.
- B. Be constructed by methods and practices that minimize flood damage.

- 39 C. Use flood damage-resistant materials below the elevation of the lowest floor. See FEMA
40 Technical Bulletin No. 2, Flood Damage-Resistant Materials Requirements and FEMA
41 Technical Bulletin No. 8, Corrosion Protection for Metal Connectors in Coastal Areas.
- 42 D. Have electrical systems, equipment and components, and heating, ventilating, air
43 conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other
44 service equipment located at or above the elevation of the lowest floor. Electrical wiring
45 systems are permitted to be located below the elevation of the lowest floor provided
46 they conform to the provisions of the electrical part of this code for wet locations. If
47 replaced as part of a substantial improvement, electrical systems, equipment and
48 components, and heating, ventilation, air conditioning, and plumbing appliances,
49 plumbing fixtures, duct systems, and other service equipment shall meet the
50 requirements of this section. See FEMA Technical Bulletin No. 4, Elevator Installation.
- 51 ~~E. As an alternative to Subsection D, electrical systems, equipment and components, and~~
52 ~~heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct~~
53 ~~systems, and other service equipment are permitted to be located below the elevation~~
54 ~~of the lowest floor provided that they are designed and installed to prevent water from~~
55 ~~entering or accumulating within the components and to resist hydrostatic and~~
56 ~~hydrodynamic loads and stresses, including the effects of buoyancy, during the~~
57 ~~occurrence of the base flood.~~
- 58 F. In special flood hazard areas other than coastal high-hazard areas (Zones A, AE, and AO)
59 and previously-filled areas where the filled ground surface is less than 18 inches above
60 the base flood elevation, meet the specific requirements of Article V. (SB 64
61 Recommended Standard 9; Shallow fill above BFE does not exempt structure from
62 regulation)
- 63 G. In all coastal high-hazard areas (Zone VE), meet the specific requirements of Article VI.
- 64 H. In a special flood hazard area with more than one designation (Zones A, AE, and AO,
65 floodway, Zones VE), meet the requirements of the most restrictive designation.

66 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for
67 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of
68 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
69 end, the provisions of this Ordinance are hereby declared to be severable.

70
71 **Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the
72 Commissioners of the Town of Dewey Beach.

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74 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 17th day of
75 April, 2026.

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SYNOPSIS

This ordinance amends § 101-21 by removing the provision that previously allowed electrical systems, mechanical equipment, and other service components to be located below the elevation of the lowest floor, even if designed to be flood-resistant. By striking this subsection, the Town eliminates this alternative standard and reinforces the requirement that such systems be elevated at or above the lowest floor to reduce the risk of flood damage.

Mayor, William Stevens

Town Manager, Bill Zolper

DRAFT