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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 1-16, DEFINITIONS, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO CLARIFY AND CORRECT THE REQUIREMENTS FOR WHEN A BUILDING PERMIT IS REQUIRED FOR THE REPLACEMENT OF SIDING AND ROOF SHINGLES

WHEREAS, the Commissioners recently voted to adopt Ordinance 866-2026 establishing requirements for when a building permit is required for certain construction activities; and

WHEREAS, Ordinance 866-2026 currently references the term “sheathing” in connection with permit requirements; and

WHEREAS, the use of the term “sheathing” in this context may create confusion or unintended interpretations regarding when a permit is required for the replacement of exterior materials; and

WHEREAS, the Mayor and Commissioners find it necessary and appropriate to clarify the language of Ordinance 866-2026 to accurately reflect the intended scope of the regulation.

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)

- 41 4. Updating fixtures (e.g., light switches, faucets, cabinet handles, doorknobs), excluding
42 any relocation of plumbing fixtures and upgrading or relocation of electrical outlets and
43 circuitry
44 5. Roof or siding replacement not exceeding 25% of existing ~~sheathing~~ shingles or siding.
45 6. Cleaning or power-washing surfaces
46 7. Replacing window treatments or decorative elements
47 8. Minor appliance or HVAC component replacements
48 9. Non-structural alterations are allowed for patios, concrete slabs, decks and decorative
49 hardscaping

50 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for
51 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of
52 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
53 end, the provisions of this Ordinance are hereby declared to be severable.
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55 **Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the
56 Commissioners of the Town of Dewey Beach.
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58 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 17th day of
59 April, 2026.
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Mayor, William Stevens

Town Manager, Bill Zolper