

## ORDINANCE NO. 689

### AN ORDINANCE TO AMEND CHAPTER 93, FEES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED RELATING TO BUILDING PERMIT FEES AND INFRASTRUCTURE MAINTENANCE.

**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 93 of the Municipal Code of the Town of Dewey Beach by striking section 93-2 in its entirety and by substituting in lieu thereof the following:

**"§93-2 Infrastructure maintenance and improvements.**

A. Twenty percent (20%) of the revenues derived from building permits each month shall be transferred to the infrastructure maintenance and improvements Escrow account ("infrastructure account") to be used for infrastructure maintenance and improvements undertaken by the Town.

B. For the purpose of this Chapter, infrastructure shall be defined to include only those areas directly impacting health and safety issues related Roads and right of ways, such as roadways and road surfaces, mitigation of roadway flooding and storm water drainage, pedestrian walkways and crossings and street lighting.

C. Activities authorized to be funded out of the infrastructure account shall serve to create new infrastructure or result in the maintenance or improvement of existing infrastructure-related grant writing, feasibility studies, engineering design, permitting, construction and construction oversight, repairs and maintenance and maintenance contracts.

D. Prior to any appropriation of funds from the infrastructure account, proposed projects may be referred to the Infrastructure Committee for its review and recommendation to Council, and council shall subsequently hold a Public Hearing on the proposed project."

Section 2. If any provision 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 adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

**SYNOPSIS**

This Act broadens and clarifies the permissible uses of the fund previously referred to as the road repair escrow account.

ADOPTED BY AT LEAST A MAJORITY OF THE COMMISSIONERS  
OF THE TOWN OF DEWEY BEACH ON February 11, 2012.

  
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DIANE HANSON

ATTESTED:

BY:   
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Acting Town Manager