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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 INSPECTION REQUIREMENTS FOR CONSTRUCTION, REPAIRS, ALTERATIONS, ADDITIONS, AND MAINTENANCE PROJECTS

WHEREAS, the Commissioners wish to ensure reasonable requirements for building permits construction, repairs, alterations, additions, and maintenance projects; and

WHEREAS, the Commissioners wish to ensure that all work performed is consistent with Town Code requirements and the building permit issued for the work.

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 71-8 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

§ 71-8 Enforcement; violations and penalties.

A. It shall be the duty of the Building Official to enforce the provisions of this chapter and to refuse to issue any permit for any building or certificate of occupancy for the use of any premises which would violate any of the provisions of said chapter. It shall also be the duty of all officers and employees of the Town to report to the Building Official any seeming violation of new construction, reconstruction or land use.

B. The Town reserves the right to conduct inspections of all work performed, regardless of whether a formal building permit was issued, and to designate the inspection official.

- 1) Inspections will seek to ensure that work is consistent with all Town code requirements and with the approved building permit, if applicable.
- 2) Inspection is required for ~~any project for which total cost is at least 515,000, and the cost of the inspection will be added to the building permit fee~~ all new construction, additions, patios, porches, decks, driveways, accessory buildings and structures, any other modification subject to set back requirements, and interior renovations that involve removal, replacement, or addition of structural elements to reduce, reorganize, or add living space.
- 3) ~~Inspections will not validate the quality of work performed~~ At the owner's option, interior inspections may be satisfied with photos, videos, or final drawings with contractor certification that demonstrate compliance with the work described in and required by any applicable building permit and with code requirements.

36 4) The cost of additional services, if needed for an inspection, will be added to the building
37 permit fee.

38 5) Inspections will not validate the quality of work performed.

39 C. In case any building is erected, constructed, reconstructed, altered, repaired, or converted or
40 any building or land is used in violation of this chapter, the Building Official is authorized and
41 directed to institute any appropriate civil action to put an end to such violation.

42 D. Any person who shall violate any of the provisions of this chapter or who fails to comply
43 therewith, or with any of the requirements thereof, or who shall build or alter any building in
44 violation of any detailed statement or plan submitted and approved hereunder shall have
45 committed a civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey
46 Beach. Each day such violation shall be permitted to exist shall constitute a separate offense.
47 The owner or owners of any building or premises, or part thereof, where anything in violation of
48 this chapter shall be placed, or shall exist, and any architect, builder, contractor, agent, person,
49 or corporation employed in connection therewith and who has assisted in the commission of
50 any such violation, shall have committed a separate civil offense pursuant to Chapter 80 of the
51 Municipal Code of the Town of Dewey Beach, and shall be subject to an assessment as
52 hereinbefore provided.

53 E. Violations of the provisions of this chapter shall be subject to the following enforcement actions:

54 1) Stop -Work Order

55 The Town shall issue an immediate stop -work order for any activity conducted without
56 proper authorization. Work may not resume until a valid permit is obtained and all
57 violations are resolved.

58 2) Civil Penalties

59 A fine of up to \$500 per day may be assessed for each day the violation continues.
60 Repeat offenses may incur escalating penalties, up to \$1,000 per day for subsequent
61 violations.

62 3) Permit Surcharge

63 A surcharge of 100% of the original permit fee may be applied to retroactive permits
64 issued after unauthorized work has begun.

65
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.

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71 **Section 3.** This Ordinance shall take effect August 1, 2026 upon its passage by a majority vote of the
72 Commissioners of the Town of Dewey Beach.

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Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 15th day of May, 2026.

SYNOPSIS

This Act identifies the types of building construction projects for which the Town will conduct inspections to ensure that work is consistent with the Town Code and any required building permit.

Mayor, William Stevens

Town Manager, Bill Zolper

DRAFT

SUPPORTING/DISCUSSION DOCUMENTS
ITEM H. INSPECTIONS



TOWN OF DEWEY BEACH

105 Rodney Avenue
Dewey Beach, DE 19971
302-227-6363 (Voice or TDD)
302-227-6164

ORDINANCE NO. 423

William H. Rutherford
Town Manager

**AN ORDINANCE TO AMEND CHAPTER 6, SECTION 600 AND
CHAPTER 10, SECTION 1004 OF THE MUNICIPAL CODE
OF THE TOWN OF DEWEY BEACH, DELAWARE TO PROVIDE FOR
INSPECTION OF PREMISES BY THE DEWEY BUILDING OFFICIAL**

WHEREAS, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach, it is appropriate to amend Section 600 of Chapter 6 and Section 1004 of chapter 10 to provide for a method of inspection of licensed premises and for inspection of construction to determine compliance with the Dewey Beach Code and the Sussex County Housing Code;

NOW THEREFORE;

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware that:

Section 1. Section 600 of Chapter 6 is hereby amended by adding the following Section 600 (a) (6):

(a) (6) Upon presentation of proper credentials, and/or upon written notice to the record title owner of a premises of a time and date for inspection to determine compliance of construction or the existing premises with the provisions of the Dewey Beach licensing regulations, zoning provisions or building requirements of the Dewey Beach Code or the Sussex County Housing Code, the Building Official or a duly authorized representative may enter at reasonable times any building, structure or premises within the Town limits to perform any duty imposed upon the Building Official by this Code.

Section 2. Section 1004 of Chapter 10 is hereby amended by adding the following Section 1004(c):

1004(c) Upon presentation of proper credentials, and/or upon written notice to the record title owner of a premises of a time and date for inspection to determine compliance of construction or the existing premises with the provisions of the Dewey Beach licensing regulations, zoning provisions or building requirements of the Dewey Beach Code or the Sussex County Housing Code, the Building Official or a duly authorized representative may enter at reasonable times any building, structure or premises within the Town limits to perform any duty imposed upon the Building Official by this Code.

Ordained and enacted into law this 12th day of
February, 2000.


Robert G. Frederick, Mayor


William Rutherford, Town Manager

area, such designer shall be an architect or engineer legally registered under the laws of any state in the United States regulating the practice of architecture and/or engineering and shall affix his official seal to said drawings, specifications and accompanying data.

- E. No frame inspections on prefabricated modular homes or sectional homes are required, provided that a certified inspection agency has performed an inspection pursuant to the IRC requirements or pursuant to a Code which, in the written opinion of the Building Code Official, equals or exceeds the IRC requirements. The Building Official is authorized to certify, in writing, and upon diligent investigation, approved inspection agencies. The Building Official shall request inspection reports from the inspection agency on a monthly basis. Notwithstanding the requirements of this section, the Building Official may require an inspection of sectional or modular structures by inspectors at any time and without cause.
- F. Adoption of smoke alarm standards. The Commissioners of the Town of Dewey Beach hereby adopt Section R313 (Smoke Alarms) of the IRC.

§ 71-2 Plan approval and inspections; purpose; copies of Code on file.

[Added 8-14-1987 by **Ord. No. 97**; amended 6-14-1996 by **Ord. No. 353**]

A. Inspections for building permits; fees.

- (1) Plan review and inspection fees assessed by the Sussex County Building Inspection Department shall be payable by any applicant for a Dewey Beach building permit prior to the issuance of a Dewey Beach building permit.
- (2) Prior to the issuance of a Dewey Beach building permit the applicant must receive plan review approval from the Sussex County Building Inspection Department and receive a valid Sussex County building permit, having paid the applicable Sussex County building permit fee.
- (3) Subsequent to the issuance of a Sussex County building permit, the applicant must receive a Dewey Beach building permit pursuant to the provisions of § 71-3 of this Code, hereinbelow, and pay the applicable fee therefore.
- (4) All structures constructed or under construction prior to the effective date of this chapter shall continue to be inspected and enforced by the Building Official of the Town of Dewey Beach.
- (5) The provisions of this chapter shall become effective July 1, 1996. Any building permit issued prior to July 1, 1996, shall be subject to the inspection and enforcement provisions of Ordinance 97, enacted August 11, 1987.
- (6) Upon presentation of proper credentials, and/or upon written notice to the record title owner of a premises of a time and date for inspection to determine compliance of construction or the existing premises with the provisions of the Dewey Beach licensing regulations, zoning provisions or building requirements of the Dewey Beach Code or the Sussex County Housing Code, the building official or a duly authorized representative may enter at reasonable times any building, structure or premises within the Town limits to perform any duty imposed upon the building official by this code.

[Added 2-12-2000 by **Ord. No. 423**]