



## ORDINANCE NO. 841

### AN ORDINANCE TO AMEND CHAPTER 185, ZONING, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED, RELATING TO A REQUIREMENT TO MANAGE STORM WATER RUNOFF WITH GUTTERING AND DOWNSPOUTS.

**WHEREAS**, on June 27, 2024 at a properly-noticed public hearing, the Dewey Beach Planning & Zoning Commission made the recommendations as outlined in this ordinance; and

**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 185 of the Municipal Code of the Town of Dewey Beach by adding a new subsection to read as follows:

#### **§185-94. Stormwater Runoff/Guttering and Downspouts**

- A. Construction of a new residential structure or new residential and commercial mixed-use structure, or renovation of a residential or mixed-use structure that increases the impervious roof surface of the area of the structure, requires the utilization of gutters and downspouts.
- B. The discharge point for downspouts on all new, renovated, and existing structures shall be not less than four (4) feet from the nearest property boundary line, or greater distance if necessary to contain discharge from downspouts within the boundaries of the property.
- C. Any existing residential or mixed-use structure that does not satisfy the downspout discharge requirements of B. shall be modified to satisfy the requirements within 90 days after notification by the Town Building Official. Failure to correct deficiencies within this period is subject to a fine of \$250. A new \$250 fine shall be levied for each subsequent 30-day period in which deficiencies remain uncorrected. The initial 90-day period may be extended at the discretion of the Building Official.

**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.

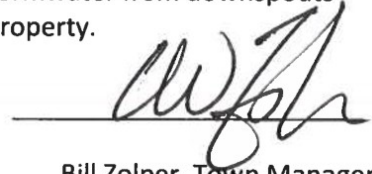
Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on July 19, 2024.

SYNOPSIS

This Act requires guttering and downspouts for newly constructed and renovated residential and mixed-use structures, as well as institutes a requirement that stormwater from downspouts be contained within the boundaries of the property.

A handwritten signature in blue ink, appearing to read "William Stevens", written over a horizontal line.

William Stevens, Mayor

A handwritten signature in black ink, appearing to read "Bill Zolper", written over a horizontal line.

Bill Zolper, Town Manager