



ORDINANCE NO. 880-2026

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, with the concurrence of the Building Official, 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.

- 4) The cost of additional services, if needed for an inspection, will be added to the building permit fee.
 - 5) Inspections will not validate the quality of work performed.
- C. In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land is used in violation of this chapter, the Building Official is authorized and directed to institute any appropriate civil action to put an end to such violation.
- D. Any person who shall violate any of the provisions of this chapter or who fails to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall have committed a civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey Beach. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this chapter shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who has assisted in the commission of any such violation, shall have committed a separate civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey Beach, and shall be subject to an assessment as hereinbefore provided.
- E. Violations of the provisions of this chapter shall be subject to the following enforcement actions:
- 1) Stop -Work Order

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

A fine of up to \$500 per day may be assessed for each day the violation continues. Repeat offenses may incur escalating penalties, up to \$1,000 per day for subsequent violations.
 - 3) Permit Surcharge

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


Section 2. If any provisions 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 August 1, 2026 upon its passage 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 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

