

1 **AN ORDINANCE TO REPLACE IN ITS ENTIRETY CHAPTER 148 PROPERTY**
2 **MAINTENANCE CODE OF THE CITY OF LEWES TO ADOPT THE 2021**
3 **INTERNATIONAL CODE COUNCIL (ICC) INTERNATIONAL PROPERTY**
4 **MAINTENANCE CODE**

5
6 **WHEREAS**, the Mayor and City Council of the City of Lewes, Delaware reviewed the
7 Building Code and determined to update the code to the 2021 ICC Codes; and

8
9 **WHEREAS**, the Building Department has reviewed the 2021 ICC Property Maintenance
10 Code and met with contractors to discuss the changes between the 2012 and 2021 Codes; and

11
12 **BE IT ORDAINED** by the Mayor and City Council, in session met, a quorum pertaining
13 at all times thereto, in the manner following to-wit:

14
15 **Section 1.** Chapter 148 Property Maintenance Code of the Municipal Code of the City of
16 Lewes, Delaware, as amended be and the same is hereby further amended by deleting it in its
17 entirety and replacing it as underlined below:

18
19 Article I Adoption of Property Maintenance Code

20
21 §148-1 The International Property Maintenance Code, 2021 edition, as published by the
22 International Code Council, be and is hereby adopted as the Property Maintenance Code of the
23 City of Lewes, in the State of Delaware, and each and all regulations, provisions, penalties,
24 conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made
25 part hereof, as if fully set out herein.

26
27 Article II Modifications to Property Maintenance Code

28
29 §148-2 Amendment to Section 101 Scope and General Requirements
30 Amendment to 101.1 Title

31 Section 101.1 of the Property Maintenance Code of the City of Lewes is amended by deleting
32 "[NAME OF JURISDICTION]" and inserting "the City of Lewes."

33
34 §148-3 Amendment to Section 103 Code Compliance Agency

35 Section 103.1 Creation of Agency of the Property Maintenance Code of the City of Lewes is
36 amended by deleting "[INSERT NAME OF DEPARTMENT]" and inserting "Building
37 Department."

38
39 §148-4 Amendment to Section 104 Fees

40 Section 104 Fees of the Property Maintenance Code of the City of Lewes is amended by deleting
41 it in its entirety.

42
43 §148-5 Amendment to Section 107 Means of Appeal

44 Delete Section 107 Means of Appeal of the Property Maintenance Code in its entirety.

45
46 §148-6 Amendment to Section 108 Board of Appeals

47 Delete Section 108 Board of Appeals of the Property Maintenance Code in its entirety.

48

49 §148-7 Amendment to Section 109 Violations

50 Section 109.3 Prosecution of violation of the Property Maintenance Code of the City of Lewes is
51 amended by inserting a new sentence at the end of Section 109.3 as follows: "Per Chapter 70
52 Article XIX Violation and Penalties."

53

54 §148-8 Amendment to Section 110 Stop Work Order

55 Section 110.4 Failure to comply of the Property Maintenance Code of the City of Lewes is
56 amended by inserting the phrase at the end of Section 110.4 as follows:
57 "in Chapter 70 Article XIX Violation and Penalties."

58

59 §148-9 Amendment to Chapter 2 Definitions Section 201 General

60 Section 201.3 Terms defined in other codes of the Property Maintenance Code of the City of Lewes
61 is amended by inserting a new sentence at the end of Section 201.3 as follows: "Where terms are
62 explicitly defined in the Municipal Code of the City of Lewes, such definitions shall be controlling
63 in all instances unless the context clearly requires otherwise."

64

65 §148-10 Amendment to Section 302 Exterior Property Areas

66 Section 302.3. Sidewalks and driveways of the Property Maintenance Code of the City of Lewes
67 is amended by inserting a new section at the end of Section 302.3 as follows: 302.3.1 Sidewalks
68 and walkways. Sidewalks and walkways shall be clear of snow and ice within 24 hours after the
69 end of the snowfall/ice event and shall be kept clear of debris from lawn maintenance. Lawn debris
70 shall not be placed in the street.

71

72 §148-11 Amendment to Section 302 Exterior Property Areas

73 Section 302.4 Weeds of the Property Maintenance Code of the City of Lewes is amended by
74 deleting "All premises and exterior property shall be maintained free from weeds or plant growth
75 in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]" and inserting "All premises
76 and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches."

77

78 §148-12 Amendment to Section 302 Exterior Property Areas

79 Section 302 Exterior Property Areas of the Property Maintenance Code of the City of Lewes is
80 amended by adding new Subsection 302.10 as follows:

81

82 A. For purposes of this subsection, "portable storage unit" shall be defined as any container,
83 storage unit, shed-like container or other portable structure that can be or is used for the
84 storage of tangible property of any kind and which is located for such purposes outside an
85 enclosed building. An accessory building or shed complying with all building codes and
86 land use requirements shall not be deemed a portable storage unit.

87

88 B. The following fees shall be paid for maintaining a portable storage unit on private
89 property within the City of Lewes:

90 (1) For a period of up to 30 days, due prior to the placement of a portable storage
91 unit: \$50.

92 (2) For each additional thirty-day period, or part thereof: \$100.

93
94 C. Maintaining a portable storage unit on a public street or public right-of-way within the
95 City of Lewes shall be permitted by the City Manager, or the City Manager's designee,
96 where the health, safety, and welfare of the City shall not be adversely affected by such
97 placement. The following fees shall be paid for maintaining a portable storage unit on a
98 public street or a public right-of-way within the City of Lewes:

99 (1) For a period of up to 15 days, due prior to the placement of a portable storage
100 unit: \$150.

101 (2) For each additional fifteen-day period, or part thereof: \$150.
102

103 §148-13 Amendment to Section 304 Exterior Structure

104 Section 304.14 Insect Screens of the Property Maintenance Code of the City of Lewes is amended
105 by deleting the phrase "During the period from [DATE] to [DATE]" and inserting "During the
106 period from April 15 to October 15."
107

108 §148-14 Amendment to Section 308 Rubbish and Garbage

109 Section 308.2.1 Rubbish storage facilities of the Property Maintenance Code of the City of Lewes
110 is amended by deleting it in its entirety and inserting the following:

111 308.2.1 Rubbish storage facilities. Unless the City provides a container, the owner of every
112 occupied premise shall supply approved covered containers for rubbish. The owner of the premises
113 shall be responsible for the removal of rubbish in accordance with Ch. 106 of the City Code.
114

115 §148-15 Amendment to Section 308 Rubbish and Garbage

116 Section 308.3.2 Containers of the Property Maintenance Code of the City of Lewes is amended by
117 inserting the following new sentence at the conclusion of the subsection: "When not out for
118 collection, containers shall be located and maintained out of public view in such a manner as to
119 prevent the creation of a nuisance or a health hazard."
120

121 §148-16 Amendment to Section 308 Rubbish and Garbage

122 Section 308.4 Temporary dumpsters of the Property Maintenance Code of the City of Lewes is
123 hereby amended by adding a new Subsection 308.4 as follows:

124 308.4 Temporary dumpsters.

125 A. For purposes of this subsection, "dumpster" shall be defined as any container,
126 receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is
127 used for temporary storage, containment, or transport of refuse, debris, trash, garbage, food
128 waste, solid waste, recyclable material, incidental demolition debris, or other discarded or
129 like materials. It shall not apply to ordinary trash or recycling receptacles of 96 gallons or
130 less.

131 B. There shall be no fee to maintain a dumpster on private property within the City of
132 Lewes so long as a valid building permit has been obtained for the property.

133 C. Maintaining a dumpster on a public street or public right-of-way within the City of
134 Lewes shall be permitted by the City Manager, or the City Manager's designee, where the
135 health, safety, and welfare of the City shall not be adversely affected by such placement.
136 The following fees shall be paid for maintaining a dumpster on a public street or public
137 right-of-way within the City of Lewes:

138 (1) For a period of up to 15 days, due prior to the placement of a dumpster: \$150.

139 (2) For each additional fifteen-day period, or part thereof: \$150.

140

141 §148-17 Amendment to Section 602 Heating Facilities

142 Section 602.3 Heat supply of the Property Maintenance Code of the City of Lewes is amended by
143 deleting "...during the period from [DATE] to [DATE]" and inserting "...during the period from
144 October 15 to April 15."

145

146 §148-18 Amendment to Section 602 Heating Facilities

147 Section 602.4 Occupiable work spaces of the Property Maintenance Code of the City of Lewes is
148 amended by deleting "...during the period from [DATE] to [DATE]" and inserting "...during the
149 period from October 15 to April 15."

150

151 §148-19 Amendment to International Property Maintenance Code

152 All references in the Property Maintenance Code of the City of Lewes to International Codes not
153 adopted by the City shall instead refer to the locally applicable code.

154

155 **Section 2.** This Ordinance shall take effect on January 1, 2024.

156

157 **Section 3.** If any provision of this ordinance shall be deemed or held to be invalid or
158 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
159 any other provision of this Ordinance which may be given effect without such invalid or
160 unenforceable provision, and to this end, the provisions of this ordinance are hereby declared to
161 be severable.

162

163 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the
164 foregoing is a true and correct copy of the ordinance passed by the Mayor and City Council at its
165 regular meeting on November 13, 2023, at which a quorum was present and voting throughout and
166 the same is still in full force and effect.

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Secretary

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Synopsis: This ordinance will adopt the 2021 International Property Maintenance Code as amended to reflect the City of Lewes.