TOWN OF DEWEY BEACH

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ORDINANCE NO. 348

AN ORDINANCE TO AMEND ORDINANCE 323 AND CHAPTER 6, SECTION 601 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH BY AMENDING SUBSECTION (j) TO ELIMINATE THE MUNICIPAL AND SPECIAL EVENT PERMITS DEFINED IN THE ORIGINAL LEGISLATION AND BY AMENDING CHAPTER 6, SECTION 606 TO PROVIDE FOR SPECIFIC ENFORCEMENT, VIOLATION AND PENALTY PROVISIONS.

WHEREAS, the Commissioners of the Town of Dewey Beach adopted Ordinance No. 323 on March 11, 1995 to control the placement of portable toilets within the town limits; and

WHEREAS, it is in the interests of the health, safety, and welfare of the inhabitants and visitors to the Town of Dewey Beach to amend the legislation to more specifically limit and control the placement of portable toilets within the town limits and to eliminate the municipal and special event permits defined in the original legislation; and

WHEREAS, it is appropriate to designate specific enforcement, violation, and penalty provisions for Chapter 6 Sections 600 through 606;

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

1. Chapter 6, Subsection 601 is hereby amended by deleting sub-section (j) in entirety as follows:

"(j). Portable toilet facilities shall be prohibited from placement on any public or private property within the town limits of Dewey Beach unless a permit is obtained from the Town. Permits shall be granted by the Building Inspector for portable toilet facilities for the following uses:

1. Demolition and/or new construction sites for the minimum time period that permanent toilet facilities are inoperable.

2. Municipal functions as determined by the Town Manager and approved by a majority of the Town Commissioners at any regular or emergency Town Meeting.

3. Special events as approved by the Town Manager or the Town Commissioners if the Town Manager seeks Commissioners' approval.

4. Emergency operations as determined by the Town Manager or the Town Commissioners if the Town Manager seeks Commissioners' approval."

and inserting in lieu thereof the following:

(j). Portable toilet facilities shall be prohibited from placement on any public or private property within the town limits of Dewey Beach unless a permit is obtained from the Town. Permits shall be granted by the Building Inspector for portable toilet facilities for the following uses:

1. Demolition and/or new construction sites for the minimum time period that permanent toilet facilities are inoperable.

2. Emergency operations, including, but not limited to fire, flood, hurricane and natural disasters, and such other emergency conditions that, in the Building Inspector's determination, require the placement of portable toilets.

3. Special events as approved by the Town Commissioners upon application.

An appeal to the Board of Adjustment of the Town of Dewey Beach may be taken by any person aggrieved by the Building Inspector's decision within thirty days of the decision pursuant to the provisions of Section 14-1102 (b) of the Municipal Code of the Town of Dewey Beach.

2. Chapter 6, Section 606 is hereby amended by deleting sub-sections (a) and (b) in entirety and inserting in lieu thereof the following:

606. ENFORCEMENT, VIOLATION, AND PENALTIES.

(a) It shall be the duty of the Building Inspector to enforce the provisions of this Chapter and to refuse to issue any permit for any building or certificate of occupancy or 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 assist the enforcing officer by reporting to the Building Inspector any seeming violation in new construction, reconstruction or land uses.

(b) 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 Inspector is authorized and directed to institute any appropriate civil action to put an end to such violation.

(c) Any person who shall violate any of the provisions of Sections 600 through 605 of this Chapter or 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 be guilty of a violation and shall be liable to a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) and 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 have assisted in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof, shall be fined as hereinbefore provided.

Ordained and enacted into law this 20th day of April, 1996

Faith S. Duncan

Faith S. Duncan, Acting Mayor

William Rutherford

William Rutherford, Town Manager