

Version: #4

Authors: Corey Shinko, Matthew Janis, Glenn Mandalas, and Evan Miller

Topic: Chapter 105 Buildings, Demolition of; and Chapter 109 Buildings, Moving of.

Date: December 1, 2022

Presentation: Commissioners Workshop Meeting on December 5, 2022

1 **AN ORDINANCE TO AMEND CHAPTER 105, BUILDINGS, DEMOLITION OF; AND**
2 **CHAPTER 109, BUILDINGS, MOVING OF; OF THE MUNICIPAL CODE OF THE**
3 **CITY OF REHOBOTH BEACH, 2001, RELATING TO ESTABLISHING**
4 **REGULATIONS FOR BUILDING DEMOLITIONS AND MOVES, AND OBSERVED**
5 **HOLIDAYS WHEN CONSTRUCTION IS PROHIBITED**
6

7 **Section 1.** Chapter 105, of the Municipal Code of the City of Rehoboth Beach, Delaware,
8 2001, is hereby amended by making insertions as shown by underlining and deletions as shown
9 by strikethroughs as follows:

10
11 **§ 105-1 Definitions.**

12
13 **BUILDING**

14 For the purposes of this chapter, is defined as a structure that is walled and built for
15 permanent use, as for a dwelling or for commercial purposes.

16
17 **DEMOLITION; COMMERCIAL**

18 For the purposes of this chapter, is defined as the destruction or razing in a Central
19 Commercial District (C-1), Commercial-Amusement District (C-2), Secondary
20 Commercial District (C-3), Educational/Residential District (ER), Cemetery District
21 (CM), and Open Space District (O-1) whether intentional or due to neglect, of an entire
22 building or structure, exterior wall, portion of any exterior wall, roof deck, or portion of
23 any roof deck, and/or which has a connection to the city water or sewer lines.

24
25 **DEMOLITION; RESIDENTIAL**

26 For the purposes of this chapter, is defined as the destruction or razing in a Special
27 Single-Family Residence District (R-1(S)), Single-Family Residence District (R-1), or
28 General Residence District (R-2), whether intentional or due to neglect, of an
29 entire building or structure that is 750 square feet or more and/or which has a connection
30 to the city water or sewer lines.

31
32 **EXTERIOR WALL**

33 A wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than
34 a fire wall, and that has a slope of 60 degrees or greater with the horizontal plane.

35
36 **NEGLECT**

37 The failure to provide ordinary and necessary maintenance and repair, whether willfully
38 or unintentionally, which results in severe deterioration, dilapidation and decay of any
39 building or structure, potentially beyond the point of repair, and creates a dangerous or
40 unsafe condition.

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41

42 **PORTION OF ANY EXTERIOR WALL**

43 Any portion of an exterior wall spanning one complete story or more in height and
44 spanning a proportionate horizontal distance.

45

46 **PORTION OF ANY ROOF DECK**

47 Any portion of a roof deck spanning the full length of the supporting members in length
48 and spanning a proportionate horizontal distance.

49

50 **ROOF DECK**

51 The flat or sloped surface constructed on top of the exterior walls of a building or other
52 supports for the purpose of enclosing the story below, or sheltering an area, to protect it
53 from the elements, not including its supporting members or vertical supports.

54

55 **STORY**

56 That portion of a building included between the upper surface of a floor and the upper
57 surface of the floor or roof next above.

58

59 **STRUCTURE**

60 For the purpose of this chapter, is defined as anything constructed or erected.

61

62 **§ 105-~~21~~ Demolition prohibited during certain periods.**

63 During the period commencing May 15 through September 15 of each and every year, the
64 commercial and residential demolition of any building or structure ~~which has a square footage of~~
65 ~~750 square feet or more and/or has a connection to the city water or sewer lines~~ shall be
66 prohibited by any person.

67

68 **§ 105-~~32~~ Issuance of demolition permit.**

69 The permit for demolition of any building or structure allowable under § 105-~~21~~ shall prohibit
70 such demolition to proceed until 30 days after the permit has been issued. Upon ~~receipt of an~~
71 approval of an application for a demolition permit, the City shall:

72

A. Publish public notice of the application for demolition in a newspaper of general
73 circulation in the City, including the date the permit was issued, the address of the
74 property which is the subject of the demolition and the date on which the demolition shall
75 be permitted to commence.

76

B. Provide written notice, containing the date the demolition permit was issued, the address
77 of the property that is the subject of the demolition application and the date on which the
78 demolition shall be permitted:

79

(1) To all property owners whose boundaries are within 200 feet of the boundaries of
80 the property which is the subject of the demolition application.

80

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81 (2) To other interested parties who have registered an interest with the Building and
82 Licensing Department.

83 C. Post a sign on the property that is the subject of the application for demolition; said sign
84 shall provide notice of the date on which the application for demolition was filed and the
85 date on which the demolition shall be permitted to commence.

86
87 **§ 105-43 Emergency situations.**

88 ~~The Commercial and residential demolition of any building or structure~~ during the prohibited
89 periods or during the thirty-day waiting period is permitted in emergency situations only if the
90 Mayor and City Manager make a written finding that a bona fide emergency exists, stating
91 reasons why the public health and safety require a more expeditious demolition.

92
93 **Section 2.** Chapter 109, of the Municipal Code of the City of Rehoboth Beach, Delaware,
94 2001, is hereby amended by making insertions as shown by underlining and deletions as shown
95 by strikethroughs as follows:

96
97 **§ 109-1 Definitions.**

98
99 **BUILDING**

100 As found in § 105-1 Definitions.

101
102 **STRUCTURE**

103 As found in § 105-1 Definitions.

104
105 **§ 109-21 Moving prohibited during certain periods.**

106 During the period commencing May 15 through September 15 of each and every year, it shall be
107 prohibited for any person to move any building and or structure which has a width of 15 feet or
108 more and/or has a square footage of 750 square feet or more on or over the streets of the City of
109 Rehoboth Beach.

110
111 **§ 109-3 Issuance of moving permit.**

112 The permit for the moving of any building or structure allowable under § 109-2 shall prohibit
113 such moving to proceed until 30 days after the permit has been issued. Upon approval of an
114 application for a moving permit, the City shall:

115 A. Publish public notice of the application for a moving permit in a newspaper of general
116 circulation in the City, including the date the permit was issued, the address of the
117 property which is the subject of the move and the date on which the move shall be
118 permitted to commence.

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119 B. Provide written notice, containing the date the moving permit was issued, the address of
120 the property that is the subject of the moving application and the date on which the move
121 shall be permitted:

122 1. To all property owners whose boundaries are within 200 feet of the boundaries of
123 the property which is the subject of the demolition application.

124 2. To other interested parties who have registered an interest with the Building and
125 Licensing Department.

126 C. Post a sign on the property that is the subject of the application for a moving permit; said
127 sign shall provide notice of the date on which the application for a moving permit was
128 filed and the date on which the move shall be permitted to commence.

129
130 **§ 109-42 Emergency situations.**

131 The moving of any building or structure ~~House moving~~ during such prohibited periods is
132 permitted in emergency situations only if the Mayor and City Manager make a written finding
133 that a bona fide emergency exists, stating the reasons why the public health and safety require a
134 more expeditious move.

135
136 **Section 3.** If any provision of this Ordinance shall be deemed or held to be invalid or
137 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect
138 any other provision of this Ordinance which may be given effect without such invalid or
139 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
140 be severable.

141
142 **Section 4.** This Ordinance shall take effect immediately upon its adoption by the
143 Commissioners of the City of Rehoboth Beach.

144
145 Adopted by the Commissioners
146 of the City of Rehoboth Beach
147 _____, 2022

148
149
150
151 _____
152 Secretary of the Commissioners of
153 the City of Rehoboth Beach

154
155 SYNOPSIS: This Ordinance revises Chapter 105, Buildings, Demolition of; and Chapter 109, Buildings,
156 Moving of; of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, for the purpose of
157 establishing additional requirements for building and structure demolition and moves.