

CHAPTER 2

BUILDINGS: PROCEDURES AND HAZARDOUS STRUCTURES

The Town of Bethel repeals the previous ordinance with the same chapter entitled "Buildings" adopted March 1, 1988 and replaces it with this Chapter 2 entitled "Buildings: Procedures and Hazardous Structures".

The Town of Bethel does hereby ordain:

Sec. 2-1. Building Code Adopted.

- (a) The Building Code(s) in effect for Sussex County, Delaware, from time to time are adopted by this reference and made part of this Chapter with the same force and effect as if fully set forth herein. Such Building Code(s), collectively, shall be the Official Building Code(s) of the Town.
- (b) At least three (3) copies of the Building Code shall be kept on file in the office of the Town Clerk for public inspection and use.

Sec. 2-2. Building Permits Required.

- (a) No person shall construct, alter, repair, or demolish any building or structure within the Town limits without first having secured a permit in accordance with the Town Zoning Ordinance.

- (b) Bethel building permits are required for implementation of new construction and/or modification to existing structures on every lot within the Town limits of Bethel, in accordance with this Section and, to the extent applicable, Chapter 9A. Applicants are advised to review all Town Ordinances before implementation of any construction projects.
- (c) Before applying for a Bethel building permit for construction of a new house, the applicant shall submit a copy of the approved Sussex County building permit for the proposed home construction. Upon receipt of a copy of such County building permit and the Town of Bethel Building Application relating to the project, the Town (acting through a designee appointed by the Council) shall conduct its review of the proposed new construction for approval.
- (d) For projects other than new construction, the applicant shall provide a copy of any required Sussex County building permits relating to the project to be retained in the Town records. The Town designee may, in his or her discretion, require the applicant to submit additional documentation, such as surveys, architectural drawings, and estimated costs of completion. Implementation of the proposed project may begin once the Council has reviewed and approved the building application.

(e) The Town of Bethel requires Town building permits for all of the following projects, in addition to the Sussex County building permits mentioned above:

1. All additions to existing buildings.
2. New decks and/or patios, and all increases in deck and/or patio size over four (4) feet wide.
3. All swimming pools, whether above or below ground (provided that the applicant furnishes documentation from the Sussex County Building Department regarding any requirements for fencing and other safety measures applicable to the permit request).
4. New garages and/or garage additions.
5. Construction of a porch or enclosure of an existing porch for living area, whether for seasonal or year-round use.
6. Total replacements of roofs on existing buildings when a complete tear-off is done, regardless of the types of roofing materials used.
7. New windows, doors, or siding, when done in its entirety or for any new addition.
8. New outbuildings or additions to existing outbuildings.

9. New windmills or changes to existing windmills.
10. New solar panels or changes to existing solar panels, whether for field or roof-mounted application.
11. All new fences and/or total replacement of fences of all varieties and replacement material types.
12. Manufactured sheds or any other manufactured buildings placed on any lot within Town limits.
13. Satellite dish antennas.

(f) The Town of Bethel requires copies of the following additional permits to be retained with Town records:

1. All plumbing and electrical permits that may be required by Sussex County.
2. All DNREC approvals for all new septic systems and planned repairs.
3. All DNREC approvals for new wells.
4. All DNREC approvals for piers or docks.
5. DelDOT Entrance Permits.

(g) Building permit fees payable to the Town are as follows:

1. \$25.00 for projects estimated to cost less than \$10,000.

2. \$100.00 for projects estimated to cost between \$10,001 and \$50,000.
3. For projects estimated to cost \$50,001 or more, \$2.00 per \$1,000 of the estimated total cost.

(h) In the event of any inconsistency between the provisions of this Section 2-2 and the building permit provisions of Chapter 9A of these Ordinances, the building permit provisions of Chapter 9A shall govern.

Sec. 2-3. Maintenance of dilapidated building; nuisance.

Maintaining a dilapidated building which constitutes a serious hazard to life or property on any property located within the Town limits shall be deemed a public nuisance within the meaning of Chapter 5 of these Ordinances. For purposes of this Chapter, the term "dilapidated building" shall mean a building that has fallen into partial or complete ruin or decay for any reason whatsoever, including without limitation structural defects, disrepair, insect or animal infestation, and uncontrolled tree or plant growth.

Sec. 2-4. Building Hazard Inspection Committee; composition; duties.

(a) A Building Hazard Inspection Committee, appointed by the President, shall consist of no fewer than three (3) members, at least two (2) of whom shall be elected members of the Council. One (1) of the elected

members so appointed by the President shall be designated chairperson of the Committee.

- (b) The Building Hazard Inspection Committee shall investigate reliable information received by the Council to the effect that any building within the Town limits is a serious hazard to life or property. By way of clarification, for purposes of this Chapter, the term “reliable information” shall mean, without limitation, a complaint signed by a resident of the Town on a form provided by the Town Clerk and filed at the Town office; personal observation by two or more members of the Council; and a photograph of the subject building.

Sec. 2-5. Investigation procedure: report.

- (a) Whenever the Council receives any reliable information to the effect that a building located within the Town limits is a serious hazard to life or property, the President shall direct the Building Hazard Inspection Committee to investigate such information and to determine whether the building is a serious hazard to life or property.
- (b) The Committee shall proceed to make its investigation and shall make a written report to the Council, setting forth the Committee’s findings and conclusions concerning the building, no later than 30 days after the President issues his or her direction.

Sec. 2-6. Public hearing: notice: contents.

(a) If, following its investigation, the Building Hazard Inspection Committee concludes that the building is a serious hazard to life or property, the Council shall, within ten (10) days after receipt of the Committee's report, issue a notice to the owner of the building at his or her last known address.

(b) The notice shall set forth the findings and conclusions of the Committee or, in the alternative, shall attach a copy of the Committee's report. The notice shall also set a time and date for a public hearing before the Council to afford the interested parties an opportunity to show cause why the building investigated by the Committee should not be declared a serious hazard to life or property and why it should not be ordered demolished. The date of the public hearing shall be no later than twenty (20) days from the date of the notice. Any notice given pursuant to this Section shall be sent by certified mail with return receipt requested.

Sec. 2-7. Public hearing: evidence presented.

At the public hearing, the owner of the building shall be entitled to present evidence why the building should not be declared a public nuisance and why he or she should not be required to abate the condition of the building.

Sec. 2-8. Findings of Council; remedial measures or demolition.

(a) Following the public hearing and the presentation by the owner of any evidence, the Council shall make its findings and conclusions concerning the building. If the Council finds that the building constitutes a serious hazard to life or property, but that measures may be taken to remove the dangerous condition and thereby render the building safe, the findings and conclusions shall specify a time by which such corrective measures shall be taken at the owner's expense. In his or her discretion, the owner may comply with Council's direction by demolishing the building.

(b) If the Council finds that conditions render the building a serious hazard to life or property and that no corrective measures can be taken to abate the dangerous condition and render the building safe, the building shall be declared to be a public nuisance and its demolition shall be ordered by a date certain, no later than 90 days after the Council issues its direction unless extended by the Council in its discretion for good cause shown.

Sec. 2-9. Enforcement of Council findings.

If the owner of the subject building fails to comply with the orders or directions issued by the Council within the time specified, the Council shall

authorize the attorney for the Town to file suit in a court of competent jurisdiction against such owner and obtain the necessary court orders to enforce the orders or directions issued by the Council. If the Town's suit is successful, the owner shall bear the Town's costs of prosecution, including the fees and costs of the Town's attorney.

Sec. 2-10. Penalties and violations.

Notwithstanding the provisions of Sections 2-3 through 2-9 of this Chapter, any person who violates any provision of this Chapter, or who has erected, constructed, altered, repaired, moved, or demolished a building or other structure in violation of this Chapter, shall be fined two hundred dollars (\$200.00) for each violation.