



ORDINANCE NO. 219-25
Schedule A
Specific Revisions at Time of Adoption of Code

AN ORDINANCE TO AMEND the Code of the Town of South Bethany.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinances be and hereby are amended as follows:

Nomenclature.

The titles "Code Enforcement Constable" and "Code Enforcement Officer" are changed to "Code Enforcement Official."

Chapter 1, General Provisions.

Article III, Voluntary Remittance of Penalties.

Section 1-18 is amended as indicated: "...if the violator notifies the ~~Town Hall~~ issuing Town official of such revocation..."

Chapter 6, Contracts and Bidding.

- A. Section 6-1A is amended as indicated: "...current Purchasing Policy. ~~The Town Council shall cause to be published at least once in at least two newspapers, one having general circulation in the Town, and the second having a regional circulation, notice of the solicitation of bids for such provision of goods and/or services. Formal bid proposals will be advertised in one local or regional newspaper.~~ Such notice of the solicitation..."
- B. Section 6-1G is amended as indicated: "...is not more than \$10,000 the bidding requirement threshold set forth by the Delaware State Office of Management and Budget, Purchasing and Contracting Advisory Council."
- C. Section 6-2A is amended to read as follows:
The Town shall use a standard purchase order for all purchases. The standard purchase order and standard contract may be modified by approval of the Mayor and Council.

Chapter 14, Manager.

- A. Section 14-2 is amended as indicated: "...by the Town Council for an indefinite term. The terms and conditions of such employment shall be included in a written agreement between the Town Council and the Town Manager. At the time of the Town Manager's appointment..."
- B. Section 14-7 is amended as indicated: "...removed from office by the Town Council, subject to any limitations set forth in the written agreement between the Town Manager and the Town Council ~~for any reason whatsoever.~~

Chapter 18, Pensions.

Article I, Police Pension Fund.

- A. Section 18-2 is amended to read as follows:
Whereas the Town wishes to continue to provide both its Town Hall employees and Police Department with a pension plan, all eligible Town employees will be enrolled in either the State of Delaware County and Municipal Pension Plan or the State of Delaware County and Municipal Police/Firefighters Pension Plan, as applicable.
- B. Section 18-3 is amended as indicated: "...the Town of South Bethany. ~~The Town will collect the money and pay the service charge to the financial institution handling the Police Pension Fund. There is a cap of \$750 placed on this charge. As participants in the State of Delaware pension plans, the Town will be responsible for remitting the regular contribution rate as set by the State of Delaware on a continuing monthly basis. All other administration guidelines are established by the State of Delaware. Any changes or additions to enrolled plans by the Town will be made through established guidelines from the State of Delaware.~~

Chapter 34, Beaches.

- A. Section 34-8D is amended to change "Civil Defense Coordinator" to "Director of Emergency Services."
- B. Section 34-10 is amended as indicated: "...of ~~not less than \$25, nor more than \$100~~ \$50, plus..."

Chapter 37, Boating.

Section 37-3 is amended as indicated: "...penalty of ~~not less than \$25, nor more than \$100~~ \$50, plus any court costs. Each day..."

Chapter 45, Buildings, Numbering of.

Section 45-1B is amended to read as follows:

Address numbers shall be Arabic numerals or alphabet letters, a minimum of four inches high, with a minimum stroke width of 0.5 inches, of a color contrasting with the background. The letters or numbers shall be readily visible from the street. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved means shall be used to identify the structure.

Chapter 50, Bulkheads.

Section 50-11 is amended as indicated: "...~~not less than \$100 nor more than \$250~~, plus court costs..."

Chapter 56, Commercial Establishments.

- A. In § 56-3, the definition of "alcoholic beverage(s)" is amended to read as follows:
- Includes the five varieties of liquors defined in 4 Del. C. § 101 (alcohol, spirits, wine, beer and alcoholic cider), as that statute may from time to time hereafter be amended, or in accordance with any future corresponding provision of law, as well as every liquid or solid, patented or not, containing alcohol, spirits, wine, beer or alcoholic cider and capable of being consumed by a human being, and any liquid or solid containing more than one of the five varieties defined in such statute shall be considered as belonging to that variety which usually has the higher percentage of alcohol.*
- B. Section 56-8 is amended as indicated: "...a penalty of ~~not less than \$100 nor more than \$500~~, plus..."

Chapter 69, Firearms and Hunting.

- A. Section 69-2B is amended as indicated: "...of the town. For the purpose of this chapter, a "firearm" ~~is defined as a weapon from which shot or a bullet is discharged~~ shall be as defined in the Delaware State Code."
- B. Section 69-3 is amended as indicated: "...a civil penalty of ~~not less than \$25, nor more than \$100~~ \$50, plus any applicable court costs..."

Chapter 73, Fuel Tanks.

Section 73-4 is amended as indicated: "...penalty of ~~not less than \$25, nor more than \$100~~ \$50, plus..."

Chapter 94, Parking.

- A. Section 94-5G is amended to change "\$500" to "\$300."
- B. Section 94-8A is amended to change "\$1,000" to "\$300."

Chapter 104, Property Maintenance.

Article III, General Provisions.

- A. In § 104-9, the definition of "condemnation" is repealed.
- B. Section 104-15 is amended to read as follows:
- For regulations relating to junked, discarded or inoperable vehicles, boats, trailers, equipment or appliances, see Chapter 130, Vehicles, Abandoned, § 130-5.1*
- C. Section 104-19C is amended as indicated: "...if the violator notifies the ~~Town Hall~~ issuing Town Official of this intention..."

Chapter 116, Subdivision of Land.

- A. Section 116-1 is amended to change "§ 7" to "Chapter 7."
- B. In § 116-5:
 - (1) A new definition for the term "building code official" is added to read as follows:

An individual appointed by the Council of South Bethany who works under direction of the ~~Council~~ town manager and performs such inspection, administration and enforcement duties as may be assigned.
 - (2) The definition of "planning commission" is amended to change "§ 7" to "Chapter 7."
 - (3) The definition of "Town Building Inspector" is repealed.
 - (4) The definition of "zoning map" is amended to read as follows:

The "Official Zoning Map of Record of the Town of South Bethany, Delaware," as adopted and revised by the Town Council and attested by the Council Secretary. Said map will be retained in the Town Hall and copies made available to the public.
- C. The following sections are amended to change "Town Building Inspector" and "Building Inspector" to "Building Code Official": §§ 116-10, 116-19C, and 116-23H.
- D. Section 116-21A is amended as indicated: "...no less than 35 days prior to the site date of final review."
- E. Section 116-35 is amended to change "§ 7" to "Chapter 7."

Chapter 118, Taxation.

Article II, Transfer Tax.

Section 118-4 is amended to read as follows:

As used in this article, the following terms shall have the meanings indicated:

DOCUMENT — *Any deed, instrument or writing affecting any real estate within the corporate limits of the Town, as defined by and with the exceptions noted at 30 Del. C. § 5401.*

TRANSACTION — *Includes the making, executing, delivering, accepting or presenting for recording of a deed or lease, as defined herein.*

VALUE — *Includes, in the case of a deed, the amount of the actual consideration thereof, including liens or other encumbrances thereon, and ground rents or a commensurate part of the liens or other encumbrances thereon, where such liens and encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments, provided that where such documents shall set forth a small or nominal consideration, "values" shall be determined from the price set forth in or actual consideration for the contract of sale or lease; or, in the case of a gift or any other document without consideration, from the actual consideration for, the contract of sale or lease or from the actual monetary worth of the property granted, bargained, sold or otherwise conveyed, which, in either event, shall not be less than the amount of the assessment of such lands, tenements or hereditaments*

as shown on the books of Sussex County.

Chapter 125, Traffic Obstructions.

- A. Section 125-2B is amended as indicated: "...return receipt requested. If, after 30 days, the violation continues, the Town may remediate the violation and bill the owner of record for the abatement of said violation."
- B. Section 125-3 is amended as indicated: "...subject to a penalty of ~~not less than \$25, nor more than \$100~~ \$50, plus..."

Chapter 130, Vehicles, Abandoned.

- A. Section 130-2 is amended as indicated: "...health and other hazards to adults and children within the Town ~~and otherwise interfere with the comfort and well-being of the public.~~"
- B. In § 130-3, the definition of "abandoned vehicle" is amended as indicated: "...highway or waterway vehicle, ~~or vessel~~ or trailer which is inoperable..."
- C. Section 130-5A is amended as indicated: "Upon notification or discovery of an abandoned vehicle..."
- D. Section 130-5C is amended as indicated: "If any vehicle subject to the provisions of this section is not removed within such..."
- E. A new § 130-5.1 is added to read as follows:

All properties shall be kept free of any junked, discarded, or inoperable vehicles, boats, trailers, equipment, and/or appliances. A vehicle, boat, trailer, appliance, or piece of equipment shall be deemed to be in violation of this section when it is inoperable, dismantled, wrecked, or is in such a state of disrepair as to be incapable of being used or operated in the manner for which it was designed, or from which major components are missing or in substantial disrepair. Items which constitute "abandoned vehicles," as that term is defined in Town Code, Chapter 130, shall be subject to the provisions and enforcement measures set forth in that chapter.
- F. Section 130-6 is amended to read as follows:

Any person who owns an abandoned vehicle which is in violation of this chapter shall be subject to a civil penalty of \$50, plus any applicable court costs. Each day of continued violation, after due notice of the violation, shall be considered as a separate offense and subject to additional fees.

Chapter 141, Water Service.

- A. The following sections are amended to change "Building Official" to "Building Code Official": §§ 141-4; 141-5C; 141-6C(5); 141-6D; 141-6G, H and I; 141-7B; and 141-8.
- B. Section 141-5C is further amended as indicated: "...on application forms provided by the Town. Such information..."
- C. Section 141-6E(1) is amended as indicated: "...of questionable ~~or own~~ quality..."
- D. Section 141-7A is amended as indicated: "...plumber to give reasonable advance notice to the Town when plumbing work is ready..."

Chapter 145, Zoning.

- A. In § 145-3, the definition of "Building Lot Orientation" is repealed.
- B. Section 145-33A(2) is amended as indicated: "...for each commercial occupant on the street aside side on which the building faces..."
- C. Section 145-35K is amended to read as follows:
Maximum number of kitchens: No single-family dwelling in the R-1 Single-Family Dwelling District constructed for occupancy as a single-family residence shall contain more than one kitchen.
- D. Section 145-38I is amended as indicated: "...and trash and recycle container bins (~~See § 144-7~~), mailboxes, fences..."
- E. Section 145-48D(6) is amended as indicated: "...that meet the requirements of ~~§ 145-48.2B~~ § 145-48B(2)."

If any provision(s) 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.

Effective date. This ordinance shall become effective upon its passage by a majority vote of the Town Council of the Town of South Bethany.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE 8 OF August 2025.

SEAL:


Edith Dondero, Mayor


Christine Keefe, Council Secretary

ATTEST: 



1st Reading: 7/11/2025
2nd Reading: 8/8/2025