



# The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409

302-539-3011 ~ 302-539-1305 fax

[www.fenwickisland.delaware.gov](http://www.fenwickisland.delaware.gov)

## CHARTER & ORDINANCE COMMITTEE MEETING

November 30, 2023, at 1:00 p.m.

Town Hall

Agenda

**Call in #: 1-301-715-8592**

**Meeting ID: 841 9197 5794**

or

<https://us02web.zoom.us/j/84191975794>

Flag Salute and call to order.

1) Approval of the Minutes from September 28, 2023, meeting.

2) Follow up with previous areas of discussion and possible action:

i) Residential Rental Policy (B. Waide)

PRESENTATION FROM JEFFREY GOODMAN OF GRANICUS (5-minute presentation).

ii) Noise Ordinance (Chapter 107)

(1) Decibels

(2) Time

(3) Violations (first time versus repeat)

iii) Modification to Section 61-3(F) re: removal of all construction related equipment prior to the issuance of an Occupancy Permit

iv) Discussion re: change in ordinances from misdemeanors to civil fines

*This Agenda is subject to change to include additional items, including Executive Sessions or the deletion of items, as in accordance with provisions within Title 29, Chapter 100, Freedom of Information Act. Persons with disabilities requiring special accommodations, please contact Town Hall 72 hours in advance.*

*Posted: November 22, 2023*



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The current version of the Code categorizes violations of several chapters as criminal misdemeanors. Violations of the following chapters may be better suited to receive a civil designation:

- Animals — Ch. 48.
- Beaches — Ch. 52.
- Boating – Ch. 56.
- Building and Utility Construction – Ch. 61.
- Buildings, Numbering of – Ch. 65.
- Hazardous Materials – Ch. 95.
- Licensing – Ch. 100.
- Lighting – Ch. 102.
- Noise - Ch. 107.
- Sanitation – Ch. 127.
- Signs – Ch. 135.
- Vehicles and Traffic – Ch. 153.
- Zoning – Ch. 160.

Each of these chapters could be modified to identify that a violation of that chapter is a civil violation. Any reference to a specific penalty or other form of enforcement could be eliminated within the given chapter and could be linked to and interconnected with a newly created Chapter 161, which will allow the individual to readily determine the enforcement mechanism or fine applicable to his or her specific violation.

Below please find the enforcement mechanisms identified throughout the Code and the chapters in which each can be located.

A newly established Chapter 161 could list these civil enforcement mechanisms and describe the process required for each. All civil violations identified in the Code (revised or otherwise) could be linked to and interconnected with Chapter 161.

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- Civil fine, amount to be determined - Animals (§ 48-9.1 and § 48-13); Beaches (§ 52-11.1, § 52-14, § 52-16); Boating (§ 56-3); Building and Utility Construction (§61-19); Buildings, Numbering of (§65-5); Hazardous Materials (§ 95-50); Lighting (§ 102-13); Noise (§107-7(A)); Surface Water and Stormwater Management (§120-4); Sanitation (§ 127-8 and §127-11); Signs (§135-10); Vehicles and Traffic (§153-1)
- Lien – Surface Water and Stormwater Management (§120-6); Allocation of taxes; duty to pay (§146-13); Erosion Control (§81-4)
- Revocation/suspension of license/permit - Building and Utility Construction (§61-12 and §61-17); Licensing (§100-15); Noise (§107-7(C)); Zoning (§160-15)
- Issuance of notice or order (housing inspections, etc.) - Surface Water and Stormwater Management (§120-3); Signs (§135-10)
- Demolition or Clearing - Surface Water and Stormwater Management (§120-4 and 5)
- Inspection – Building and Utility Construction (61-3 and 61-10); Buildings, Unsafe (69-3); Flood Damage Reduction (§88-15); Zoning (§160-5 and §160-9)
- Civil actions (injunctions, brought for the recovery of fines/penalties, etc.) – Building and Utility Construction (§61-12 and §61-17); Noise (§ 107-7B and D); Zoning (§160-15)
- Appeals – generally
  - v) Electronic signage ordinance re: coordination of Dark Skies provisions into proposed language

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- vi) Freeboard language (Ben Waide and Ann Riley)
  
- 3) Old Business
- 4) New Business/Referrals from Town Council
- 5) Public Participation
- 6) Adjournment

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