



Town of Townsend Code Review Committee Meeting

June 26th, 2026, @ 3:00pm

VIA Conference Call & Town Hall

141 Main St, Townsend, DE 19734

3:00 pm Code Review Committee Meeting

- I. Call to Order:
- II. Opening Ceremonies
 - A. Roll Call:
 - B. Pledge of Allegiance:
 - C. Recognition of Visitors:
 - D. Announcements:
- III. Citizens Comments & Participation.
- IV. Adoption of Agenda.
- V. **ACTION ITEM:** Discussion and review of possible solicitation limitations.
- VI. **ACTION ITEM:** Discussion and review of international building codes.
- VII. **ACTION ITEM:** Discussion and review of zoning and unified development codes.
- VIII. **ACTION ITEM:** Discussion and review of bond reductions.
- IX. Discussion regarding new business.
- X. Discussion regarding next meeting date.
- XI. Adjourn.

Committee Meetings will be held both in person and in a virtual format.

Those wishing to attend virtually may dial **1(301)715-8592**. When directed, provide following meeting ID **827-6421-7575#** and then the following password 361631# to enter the meeting. If you choose to access the meeting online click the following link:
<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xjME1HV0ZOcHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at <https://townsend.delaware.gov> or by joining the meeting via computer.

§ 112-1. Soliciting prohibited.

There is no soliciting allowed in the Town of Middletown.

§ 112-2. Violations and penalties. [Amended 12-3-2007]

Violations of this chapter are punishable by a fine of \$50.

Chapter 50 PEDDLERS AND SOLICITORS

Sec. 50-1. Definition.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any individual, whether a resident of this town or not, traveling by foot, wagon, automobile, truck, or any other type of conveyance, from place to place, from house to house, or from street to street, or in a generally fixed location on public property, for the sale of, as well as the selling, offering for sale or exchange for a donation, or taking or attempting to take orders for the sale of goods, wares and merchandise, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payments on such sale. An individual's classification as a peddler under this definition shall be unaffected by the fact that the individual also, for himself or herself, or for another person, hires, leases, uses, or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, office or any other place within this town for the purpose of exhibiting samples and taking orders for future delivery. The term "peddler" shall include the terms "canvasser," "solicitor," "transient or itinerant merchant or vendor," and "transient or itinerant photographer." Peddler shall not include wholesale sales representatives dealing with retail businesses within the town, individuals delivering previously ordered goods, ice cream trucks, or mobile food vendors as defined in chapter 51.

Public property means any parcel of land or any street, sidewalk, alley, or right-of-way owned or controlled by the Town of Smyrna.

Roadway means any public street that has more than two main travel lanes or a speed limit of 25 miles per hour or greater.

(Ord. No. 006-09, § 1, 2-1-10; Ord. No. 006-16, § 2, 10-3-16)

Sec. 50-2. Exemptions.

The provisions of this chapter shall not apply to the following:

- (1) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;
- (2) Individuals selling fruits or vegetables which were produced on land that is owned or controlled by the individual;
- (3) An attempt to enlist support for or against a particular religion, political party, candidate, cause or issue;
- (4) Solicitations, sales, or distributions made by a charitable organization recognized as tax exempt under the Internal Revenue Code, a religious organization recognized as such under the laws of the State of Delaware, or an organization authorized by any school within the Smyrna School District;
- (5) Individuals leaving written information, including flyers, leaflets, and brochures, or other forms of advertising, for non-commercial purposes; and
- (6) Individuals under 14 years of age.

Sec. 50-3. Registration required.

All peddlers shall register with the code enforcement officer before engaging in any activities described in section 50-1. Such registration shall be made at least 24 hours, excluding weekends and holidays, prior to the date a peddler seeks to begin conducting activities described in section 50-1.

- (1) *Information required.* Every person desiring to act as a peddler as defined in this chapter shall first register, under oath or affirmation, with the code enforcement officer. Upon such application, such person shall provide the following:
 - a. The applicant's name, age, and address;
 - b. A copy of a government-issued photo I.D.;
 - c. The applicant's previous criminal record, if any;
 - d. The name and address of the person for whom the applicant works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any;
 - e. The type or types of article, device, subscription, contribution, service or contract which he/she desires to sell or for which he/she wishes to solicit within the town;
 - f. The type of vehicle the applicant uses, if any, and its registration number;
 - g. The name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company or is associated with a corporation or company;
 - h. A statement as to whether or not the applicant has been convicted of a felony or misdemeanor within five years preceding the date of the application and the nature of the offense or violation (excluding traffic offenses); and
 - i. A statement as to whether or not the applicant has had a civil judgment for fraud, deceit, or misrepresentation entered against him or her within five years preceding the date of the application.

Where an individual makes application for himself or herself and one or more additional individuals, all applicable personal information specified above shall be included for each prospective peddler who will be operating under the license. Only one license shall be issued per application, but separate identification badges shall be issued for each peddler. No license or identification badge issued under this chapter shall be transferable from one individual to another. No individual shall be permitted to operate as a peddler without a valid identification badge that has been issued pursuant to a valid license.

- (2) *Issuance of license.* Upon registering with the town, the town shall have 24 hours, excluding weekends and holidays, to determine whether to issue a license. The town may refuse to issue a license and/or an identification badge for a specific applicant for the following reasons:
 - a. An applicant provided false information in the application;
 - b. An applicant or any prospective peddler under the applicant's license has been convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, burglary, theft, or any violent acts against person or property, within five years preceding the application date; or

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- c. A civil judgment for fraud, deceit, or misrepresentation was entered against the applicant or any prospective peddler under the applicant's license within five years preceding the date of application.
- (3) *License duration and content.* Each peddler operating under a license issued by the town shall be permitted to peddle within the town for the licensed period beginning on the date such license is issued. Such license shall not be transferable. Each license shall expire December 31 at 11:59 p.m. of the year in which it was issued, with the exception that any license issued in the month of December shall expire December 31 at 11:59 p.m. of the year following the year in which the license was issued. Each license issued shall contain the following: The permit number, the fee paid, the issue date, the expiration date, and the name, signature, and employer of each peddler who will be operating under the license.
- (4) *Identification badge content.* Each peddler listed on a license shall be issued an identification badge, issued in card form, and containing the following information: The peddler license number, and the peddler's name, age, weight, address, employer, and signature.
- (5) *Display of identification badge.* Every solicitor or peddler shall, at all times while engaged in peddling in the town, carry a town-issued identification badge upon his or her person and shall exhibit such evidence upon request to all police officers, town officials and citizens.
- (6) *Fees.* No license shall be issued under this chapter except upon payment of a fee of \$50.00, and the full fee shall be required irrespective of when during the year a license is issued. For each additional applicant listed on an application as a prospective peddler beyond the first applicant, an additional fee of \$15.00 shall be required.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-4. Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private property when such property is included in the town's "no solicitation registry" or has a sign posted stating "no peddlers allowed" or "no solicitations allowed" or other words to such effect.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-5. Refusing to leave premises.

Any peddler who enters upon premises owned, leased, or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises shall be subject to penalty.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-6. False or fraudulent statements.

It shall be unlawful for any peddler to make false or fraudulent statements concerning the goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-7. Hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling within the town between the hours of 9:00 p.m. and 9:00 a.m., except by specific appointment with or invitation from the prospective customer.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-8. Peddling restrictions.

(1) *Prohibited areas.* No peddler shall solicit or do business of any nature whatsoever in the following areas:

- (a) Public property in any commercial zone of the town as defined and described in appendix A ("zoning ordinance") to this Code pertaining to zoning and the zoning map of the town;
- (b) Any location on private property except at the property's primary entrance.
- (c) Private property located in any commercial zone as defined in this section without obtaining prior written approval of the private property owner; and
- (d) Within 200 feet of any church or place of worship, or any place occupied exclusively as a public or private school or for school purposes.

(2) *Prohibited activities.*

- (a) No peddler shall permit his/her cart, wagon or vehicle to stand on any public highway within 200 feet of any church or place of worship, or any place occupied exclusively as a public or private school or for school purposes.
- (b) It shall be unlawful for a person to stand or sit in a roadway, roadway median, or the shoulder of a roadway anywhere within the town to solicit money, or to distribute any material to the occupant of any motor vehicle.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-9. Records; supervision of license holders.

The code official shall keep a record of all registrations made under this chapter, and the code official shall supervise the activities of all peddlers included in such licenses.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-10. Revocation of license; hearing.

(1) *Revocation of license.* Any license issued hereunder may be revoked by the code enforcement officer upon the failure of any peddler operating under the license to comply with the standards of conduct established herein or upon ascertainment that any peddler operating under the license has made any false statements in the application for the license hereunder or upon any peddler operating under the license being arrested and convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, burglary, theft, or any violent acts against persons or property after being issued a license or having a civil judgment for fraud, deceit, or misrepresentation entered against any peddler operating under the license. If a license is revoked, all peddlers operating under the license shall be prohibited from peddling in the town.

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- (2) *Hearing.* Any person who was denied a license or whose license has been revoked shall be entitled to appear, with counsel if desired, before the town council at a regular or special meeting and be heard on behalf of a request for issuance or reinstatement of said license.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-11. No solicitation registry.

- (1) Any resident or business of the town may place his/her/its address on the town's "no solicitation registry" by completing a form provided by the town.
- (2) The "no solicitation registry" will be provided to peddlers upon their receiving a license.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 50-12. Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a criminal violation and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$500.00 and/or imprisonment for not more than ten days.

(Ord. No. 006-09, § 1, 2-1-10)

Sec. 4.1-7. Peddling and soliciting.

4.1-7.1 *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any individual, whether a resident of this town or not, traveling by foot, wagon, automobile, truck, or any other type of conveyance from place to place, from house to house, or from street to street, or in a generally fixed location on public property, for the sale of, as well as the selling, offering for sale or exchange for a donation, or taking or attempting to take orders for the sale of goods, wares, and merchandise, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payments on such sale. An individual's classification as a peddler under this definition shall be unaffected by the fact that the individual also, for himself or herself, or for another person, hires, leases, uses, or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, office, or any other place within this town for the purpose of exhibiting samples and taking orders for future delivery. Unless the context clearly notes otherwise, the terms "peddler" and "peddling" shall have the same meaning as "canvasser," "canvassing," "solicitor," "soliciting," "transient or itinerant merchant," or "vendor."

Public property means any parcel of land, or any street, sidewalk, alley, or right-of-way owned or controlled by the Town of Clayton.

4.1-7.2 *Power to regulate.* The Town of Clayton, in order to ensure the safety, peace, and comfort of the people, shall have the power to regulate peddling and soliciting within its municipal limits and hereby authorizes the Town Manager, through the Department of Inspections and Enforcement or another designee and the Town of Clayton Police Department, to carry out the provisions of this article.

4.1-7.3 *Exemptions.* Unless the context clearly indicates otherwise, the following individuals and activities shall be exempt from the provisions of this article and shall not be considered peddling or soliciting in the Town of Clayton:

- a. Individuals selling fruits, vegetables, and/or floral items that were produced on land that is owned or controlled by the individual; and
- b. Solicitations, sales, or distributions made by a charitable organization recognized as tax-exempt under the Internal Revenue Code, a religious organization recognized as such under the laws of the State of Delaware, a fire and/or ambulance company, or an organization authorized by any school operating or with jurisdiction within the Town of Clayton; and
- c. Individuals leaving written information, including flyers, leaflets, brochures, or other forms of advertising, for noncommercial purposes; and
- d. An attempt to enlist support for or against a particular religion, political party, candidate, cause, or issue; and
- e. Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy, or other public officers selling goods, wares, and merchandise according to law; and
- f. Vendors at special events that are sanctioned by the Town of Clayton to use public streets, parks, and facilities for their event; and
- g. Mobile food vendors (as defined in this code book) that are parked at a special event, a private party, or otherwise permitted to operate at a fixed location in accordance with the Clayton Municipal Code; and
- h. Businesses as defined in this code book that maintain a current Town of Clayton business license; and

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- i. Local delivery of a product or service ordered by a person, firm, and/or business located within the Town of Clayton; and
 - j. Individuals under the age of 18.

4.1-7.4 *License Required.* All peddlers shall apply with the Department of Inspections and Enforcement for a Solicitor's License before engaging in any activities described in this article. Such application shall be made at least 24 hours, excluding weekends and holidays, prior to the date a peddler seeks to begin conducting activities described in this article and shall be subject to the approval of the Code Official.

4.1-7.5 *Information required.* Every person applying to act as a peddler as defined in this chapter shall first apply and supply the following information, under oath or affirmation, with the Code Official:

- a. The applicant's name, age, and address; and
- b. A copy of a government-issued photo I.D.; and
- c. The applicant's previous criminal record, if any; and
- d. The name and address of the person for whom the applicant works, and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent if any; and
- e. The type or types of articles, devices, subscriptions, contributions, services, or contracts which he/she desires to sell or for which he/she wishes to solicit within the town; and
- f. The type of vehicle the applicant uses, if any, and its registration number; and
- g. The name, address, and title of a company officer upon whom a legal notice may be served if the applicant is a corporation or company or is associated with a corporation or company; and
- h. A statement as to whether or not the applicant has been convicted of a felony or misdemeanor within five years preceding the date of the application and the nature of the offense or violation (excluding traffic offenses); and
- i. A statement as to whether or not the applicant has had a civil judgment for fraud, deceit, or misrepresentation entered against him or her within five years preceding the date of the application.

Where an individual makes an application for themselves and one or more additional individuals, all applicable personal information specified above shall be included for each prospective peddler who will be operating under the license. Only one license shall be issued per application, but separate identification badges shall be issued for each peddler.

4.1-7.6 *License.* Upon approval of the Code Official, a Peddler shall be issued a Solicitor's License that they shall affix to or carry on their person at all times while Peddling and Soliciting within the Town of Clayton and shall present the aforesaid to any employee, agent, official, citizen, and/or police officer of the Town of Clayton. No license or identification badge issued under this chapter shall be transferable from one individual or firm to another. The license or identification badge shall include the name and description of the peddler, the organization they represent, if any, a description of their vehicle, the signature of the peddler, and the Code Official.

4.1-7.7 *Fee.* The fee for a Solicitor's License shall be set within the Town of Clayton's fee schedule.

4.1-7.8 *Disclaimer.* The issuance of a Solicitor's License shall mean that the Town of Clayton approves the peddler to solicit the good or service in question and shall not constitute nor be construed to be an official endorsement and/or guarantee on the part of the Town of Clayton of the good or service of the item being solicited by the peddler, claims thereof, or any operational warranty of the same. Any peddler construing the issuance of a license to mean the aforementioned sentiments shall be in violation of this article.

4.1-7.9 *Denial of License.* The town may refuse to issue a license for a specific applicant for the following reasons:

- a. An applicant provided false information in the application; and/or
- b. An applicant or any prospective peddler under the applicant's license has been convicted of a crime of moral turpitude; and/or
- c. A civil judgment for fraud, deceit, or misrepresentation was entered against the applicant or any prospective peddler under the applicant's license within five years preceding the date of application; and/or
- d. The proposed product to be solicited by the peddler poses a risk to the health, welfare, safety, or repose of the Town of Clayton; and/or
- e. Allegations or proof of previous misconduct as a licensed peddler in the Town of Clayton and/or in another municipal corporation.
- f. No license shall be issued for an application that includes more than 20 additional peddlers.

4.1-7.10 *License period.* All licenses shall expire at 11:59 p.m. on December 31st of the year in which the license was issued.

4.1-7.11 *Hours of operation.* No Peddler shall solicit in the Town of Clayton between the hours of 8:00 p.m. and 8:00 a.m.

4.1-7.12 *Restricted areas.* No Peddler shall solicit in any of the following areas:

- a. A lot, dwelling, and/or private property in the Town of Clayton that displays a sign that prohibits soliciting or expresses a similar sentiment; or
- b. At any other area other than at the primary entrance of the property; or
- c. Within 200 feet within a house of worship or school; or
- d. Upon a street, sidewalks, or shared use path, in a manner that impedes and/or obstructs traffic or the comfortable travel of any person or vehicle; or
- e. Within 200 feet of a motor vehicle accident or other scene of an active emergency.

4.1-7.13 *Refusal to leave.* Any peddler who refuses to immediately leave a lot, dwelling, and/or other private property after being notified to do so by the property owner, lessee, their agent, or designee shall be in violation of this article and subject to the penalties ascribed herein.

4.1-7.14 *False statements.* Any Peddler who makes false or fraudulent statements concerning the goods, wares, merchandise, or services for the purpose of inducing another to purchase the same shall be in violation of this article and subject to the penalties ascribed herein.

4.1-7.15 *Noise.* No Peddler shall hawk or cry his/her goods, wares, merchandise, articles, contracts, or services upon any of the streets or sidewalks of the Town of Clayton, nor shall he use any loudspeaker or horn or any other device on public or private property for announcing his/her presence by which members of the public are annoyed.

4.1-7.16 *Public Property.* Notwithstanding any other provision, no peddler shall solicit on public property without first obtaining written permission therefor from the Mayor and/or Town Manager.

4.1-7.17 *Records of peddlers.* Upon adoption of this article, the Department of Inspections and Enforcement shall maintain an up-to-date record of all current and former peddlers issued licenses by the Town of Clayton.

4.1-7.18 *Violations and penalties.* Any person, firm, corporation, or licensed peddler found in violation of any section of this act by the Town Manager, Code Official, or Police Officer of the Town of Clayton shall be subject to the following penalties or combination thereof, provided, however, that the Town Manager, Code

Official or a Police Officer may grant a written warning for the first offense if they deem it best in their judgment:

(1) *Fine.*

- a. Any individual Peddler not representing a corporation shall be fined no less than \$50.00 and no more than \$100.00 for the first offense.
- b. Any individual Peddler not representing a corporation shall be fined no less than \$100.00 and no more than \$250.00 for any subsequent offense.
- c. Any firm or corporation represented by a Peddler shall be fined no less than \$200.00 and no more than \$500.00 for the first offense.
- d. Any firm or corporation represented by a Peddler shall be fined no less than \$500.00 and no more than \$1,000.00 for any subsequent offense,

(2) *Revocation of Solicitor's license.* Subject to applicable law, the Code Official may separately or in conjunction with a fine described within this article, revoke a Solicitor's license; provided, however, that the license holder shall be informed of their right to appeal in accordance with article 8.9-4 of the Clayton Municipal code. Should the accused party elect to be heard, the solicitor's license shall remain in a suspension period until the decision of the Town Council after said hearing. The Code official may suspend the Solicitor's license under the following conditions:

- a. The peddler has been convicted of a crime of moral turpitude; or
- b. The peddler has made false or fraudulent statements on their application and/or in the course of their peddling; or
- c. A civil judgment for fraud, deceit, or misrepresentation was entered against the peddler; or
- d. The product or service solicited by the peddler poses a risk to the health, welfare, safety, or repose of the Town of Clayton; or
- e. The Peddler is in violation of this article.

4.1-7.19 *Severability.* If any of the provisions of this article or of the application of any provision thereof shall be held invalid, such invalidity shall not affect the remainder of said Ordinance, it being the intention of this Council that such remainder shall be and remain in full force and effect.

(Ord. No. 2024-16, 7-9-2024)

ARTICLE V. SOLICITATION

Sec. 26-31. General.

No person shall engage in or cause another person to be engaged in the act of commercial solicitation in or upon any property located within the city. No person shall engage in or cause another person to be engaged in the act of noncommercial solicitation in or upon any property located within the city where the owner, occupant or other person in control of the property has expressed his objection to such activity either by explicit instructions, oral or written, or by posting a sticker, sign or notice bearing the words "No Solicitation" or words of similar meaning and import unless the person has been invited or requested by the owner, occupant or other person in control of the premises for such purpose.

(Ord. No. 14-0721-01, 8-18-2014)

Sec. 26-32. Definitions.

For the purpose of this section only, the following words and phrases shall, when used in this section, have the following meanings:

Charitable: means the purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code Section 501(c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

Commercial solicitation: means the act of any person, whether a resident of the city or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, roadway, route, street or sidewalk within the city either: (1) requesting, either directly or indirectly money, credit, funds, contributions, personal property or anything of value; (2) taking or attempting to take orders for the sale of goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and (3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description.

Noncommercial solicitation: means the act of any person, whether a resident of the city or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, roadway, route, street or sidewalk within the city that: (1) is not requesting, either directly or indirectly, money credit, funds, contributions, personal property or anything of value; (2) has a charitable, religious or political purpose for the solicitation; (3) is communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature; (4) is seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (5) is seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter; (6) is conducting a poll, survey or petition drive in regard to any political matter; and (7) is carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established route or to the promises of any person who had previously ordered such products or goods and is entitled to receive the same.

(Ord. No. 14-0721-01, 8-18-2014)

Sec. 26-33. Violations and penalties.

Any person violating the provisions of this article shall, upon conviction, be punished by a fine of not less than \$50.00 nor more than \$100.00 or imprisonment for such a period not to exceed ten days, or both such fine and imprisonment, at the discretion of the court. For purposes of this article, each property solicited shall be considered a separately punishable offense.

(Ord. No. 14-0721-01, 8-18-2014)

Secs. 26-34—26-40. Reserved.

18.04.020 Standards**A. International Codes.**

1. That certain documents specified by title below with additions and deletions thereto shall be adopted by reference, one (1) copies of which are on file in the office of the town clerk, being marked and designated as the International Codes, 2018 editions, to wit:
 - a. International Building Code, inserting at §101.1 and §1612.3 the phrase "Town of Townsend" and by excepting therefrom Chapters 13, 27, 28 and 29 thereof;
 - b. International Residential Code, inserting at R101.1 the phrase "Town of Townsend" and at R301.2(1) the Table R301.2(1), excepting therefrom Sections R309.5 and R313 and Chapters 11, 12, 13, 14, 15, 16, 17, 20, 21 and 24 and Parts VII and VIII in their entirety and by substituting at R11.7.5.1 the value of "8" for the figure "7 3/4" concerning riser height inches appearing therein;

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA											
GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (MPH)	Topographic Effects		Weathering	Frost Line Depth	Termite					
25 lbs./ Sq. Ft.	90 3- sec gusts 75 Fast est Mile	Yes	B	Severe	32"	Yes	15 Degrees F	No	Yes	Yes	54 Degrees F

- c. International Existing Building Code, inserting at §101.1 the phrase "Town of Townsend";
- d. International Swimming and Spa Code inserting at §101.1 the phrase "Town of Townsend", at §105.6.2 the phrase "pursuant to Chapter 4 of the Code of Ordinances of the Town of Townsend", and by striking sections §106.5.6.3 and §107.5;
- e. International Energy Conservation Code and ASHRAE 90.1/2017 with State of Delaware amendment, inserting at C101.1 the phrase "Town of Townsend", at C104.2 the phrase "pursuant to Chapter 4 of the Code of Ordinances of the Town of Townsend", R101.1 the phrase "Town of Townsend", at R104.2 the phrase "pursuant to Chapter 4 of the Code of Ordinances of the Town of Townsend";
- f. International Property Maintenance Code by inserting at §101.1 the phrase "Town of Townsend", at §103.5 the phrase "pursuant to Chapter 4 of the Code of Ordinances of the Town of Townsend", allowable height, at §302.4 the value "8",

at §304.14 the phrase "April 15 through October 15", and Sections 602.3 and 602.4 the phrase "October 15 through April 15" and by striking §112.4 thereof;

- g. International Mechanical Code with State of Delaware amendments, inserting at §101.1 the phrase "Town of Townsend", the applicable permit fee schedule at §106.5.2, and by striking sections §106.5.3 and §108.5, and by striking from §307.1 the phrase "approved plumbing fixture";
- h. International Fuel Gas Code with State of Delaware amendments by inserting at §101.1 the phrase "Town of Townsend", at 106.6.2 the phrase "pursuant to Chapter 4 of the Code of Ordinances of the Town of Townsend", and by striking sections §106.6.3, §108.4 and 108.5; and
- i. International Plumbing Code with State of Delaware amendments, inserting at §101.1 the phrase "Town of Townsend", and by inserting the permit fee schedule at §106.6.2, and by striking sections §106.6.3 and §108.4, and by inserting at §305.4.1 the value "36 inches" in each of two places referencing to depth of buried building sewer lines" and at §903.1 the value "12 inches" as the height of vent pipe above roof.

2. All adopted international codes conflicting herewith shall be repealed.

- B. *Severability*. If any section, subsection, sentence, clause or phrase of this division is, for, any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this division. The town hereby declares that it would have passed this division, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.
- C. *Other Proceedings Not Affected*. Nothing in this division or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability, incurred, or any cause of action acquired or existing, under any act or ordinances hereby repealed as cited in section 14-76; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this division.

(Ord. No. 06-10, §§ 1–7, 3-22-2006)

HISTORY

Amended by Ord. [13-04](#) on 11/6/2013

Amended by Ord. [20-003](#) Striking these sections in their entirety and substituting it with the verbiage included on 5/6/2020

From: Earle Dempsey <earle.dempsey@firststateinspection.com>
Sent: Friday, May 29, 2026 1:48 PM
To: Julie Goodyear
Subject: Re: Fw: State Energy Code Update



External (earle.dempsey@firststateinspection.com)



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This message originated from outside the organization

Hey Julie -

Thanks for reaching out on this. We saw that this had happened in April and we were sitting on it to discuss wholistically.

Basically, the Energy Code is like the Plumbing Code in the State - DNREC (like DPH for plumbing) decides what Code is to be followed statewide. In Maryland, the building codes are also adopted in the same manner providing consistency throughout the State but, alas, this isn't the case in Delaware and individual municipalities must still choose what to adopt and when.

The good news is that when DNREC does this adoption, they give you a window within which you must make it effective. In this case, we have until next April to comply and adopt. This provides ample time to discuss options and decide on the overall strategy.

We had already talked briefly about the Town adopting something more recent than the 2018 Codes currently adopted. Our recommendation is to use this Energy Code adoption as the spark to make other adoptions simultaneously. I think it would be prudent to move to a complete 2024 adoption (except plumbing and electrical that we know are handled by others) and decide on your effective date. Since we're discussing it so far ahead, making those adoptions effective January 1, 2027 would be perfect - meaning any permits issued after that date would be under the new Codes. You could certainly do it sooner or later, but 1/1 would be a good, clean transition date.

I would adopt all Codes virtually as they are with no substantial modifications or amendments. The one possible exception is going to be residential sprinklers, as we discussed. The IRC includes that requirement in R309 and the trend is moving (slowly) in that direction. If the Town is not ready to require residential sprinklers, that section would need to be struck when adoption occurs. We can discuss this topic more at any time.

Hope this helps prompt more thought and discussion. Please let me know what else I can do to help. Have a great weekend, Julie!

Thanks - E

--

Thanks,
Earle 'Punk' Dempsey



www.firststateinspection.com
earle.dempsey@firststateinspection.com
302/422-3859 office

On Fri, May 29, 2026 at 12:20 PM Julie Goodyear
<jgoodyear@townsend.delaware.gov> wrote:

Good Afternoon Earle,

Happy Friday!

I received the email below on some code updates for State energy Codes.

Can you review the relating updates and let me know if there is anything we should adjust in our Town's code.

Any questions, please feel free to give me a call at 302-378-8082.

Best Regards,

Julie M. Goodyear
Town Manager
Phone: 302-378-8082
Fax: 1-302-378-7099
jgoodyear@townsend.delaware.gov



P.O Box 223 | 141 Main Street | Townsend, Delaware 19734 |
www.Townsend.Delaware.Gov

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From: Keating, Anna (DNREC) <anna.e.keating@delaware.gov>

Sent: Thursday, May 28, 2026 4:49 PM

Subject: State Energy Code Update

This message originated from outside the organization

Hello,

I'm reaching out on behalf of the State Energy Office to notify you of changes to the [Regulations for State Energy Conservation Code](#), which adopted **updated International Energy Conservation Code (IECC) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards as of April 11, 2026**. This update adopted the 2024 IECC for residential buildings and the 2024 IECC and ASHRAE 90.1-2022 for commercial and high-rise residential buildings. This regulation also adopted Appendix RE: EV Charging Infrastructure and Appendix CB: Solar-Ready Zone with amendments to align with corresponding statutory requirements.

In accordance with [16 Del.C. §7602 \(a\)](#), **counties and municipalities have 12 months** from the date of promulgation for the implementation and enforcement of this code. While implementation and enforcement are done at the local level, the State Energy Office is preparing trainings for builders and code officials to familiarize them with these changes.

The State Energy Office provides email updates to those interested in changes to the building energy code. **[Share your contact information](#) to be added to the email distribution list to stay up to date on the energy code and upcoming trainings. Please forward the contact information form to those responsible for your local building codes and permits.** Additional information on the energy code and the regulatory process can be found on the [Building Energy Codes Webpage](#) and on the [Public Hearing Webpage](#).

Thank you,
Anna

Anna Keating

Energy Policy Planner III

Division of Climate, Coastal, and Energy

From: Earle Dempsey <earle.dempsey@firststateinspection.com>
Sent: Wednesday, April 1, 2026 12:59 PM
To: Julie Goodyear
Cc: Brian Miller; Scott Lobdell
Subject: Re: Municipal Code Updates – ICC/IRC/IBC/IFC Adoption Feedback Request

Follow Up Flag: Flag for follow up
Flag Status: Flagged

External (earle.dempsey@firststateinspection.com)

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This message originated from outside the organization

Good afternoon, Julie -

Thanks for reaching out on this topic. I can offer you a couple of items that we discuss with all of our municipal partners.

While your current 2018 adoption isn't the oldest out there, I agree that consideration should be given to moving to a later addition. In Delaware, Kent County is currently on the 2018, while both New Castle and Sussex have adopted the 2021. I know Kent County is currently reviewing the 2024 Code for adoption later this year, and we had heard New Castle had been considering the 2024 as well. The Town of Middletown recently adopted the 2024 Codes.

We would have no concern with you moving to either the 2021 or the 2024 Code versions. We do typically recommend trying to keep pace with your local County to maintain some parity for residents and contractors on both sides of Town borders, but that certainly is a decision for Town leadership. And the Town never has to worry about adopting the NEC (National Electrical Code) or the IPC (International Plumbing Code) as those are both adopted Statewide by the Fire Prevention Commission and the Division of Public Health, respectively.

Finally, when adopting Codes, we generally recommend adopting them as-is, without making many/ any local changes. The Codes are very sufficient themselves and making changes can cause confusion and enforcement challenges.

The other topic to keep in mind is that of Residential Sprinklers. Since 2012, this requirement has existed within the IRC, although historically, most jurisdictions have continued to exclude the requirement in their latest adoptions. However, more Delaware jurisdictions are adopting the Code without the exclusion. Newark, Delaware City, Lewes, and Milton are the ones with various adoptions in recent years, but Middletown is the most notable for you with their 2025 adoption that is effective in

2026. New Castle County had seriously considered it with their adoption of the 2021 Code, but ultimately it passed County Council without the requirement.

I won't lobby you one way or another, but just keep this discussion in mind when moving forward as it will continue to be a growing topic. If and when the Town moves to include the requirement, the Fire Marshal's Office will not manage the required residential plan reviews and inspections as they do for commercial installations. First State can handle this for you, as we have staff who are certified and have been trained by the Fire Marshal's Office, and we are currently performing this work for the Town of Milton.

Hope this all helps, but please feel free to let me know of any questions or further discussion desired.

Thanks - E

--

Thanks,
Earle 'Punk' Dempsey



www.firststateinspection.com
earle.dempsey@firststateinspection.com
302/422-3859 office

On Mon, Mar 30, 2026 at 10:45 AM Julie Goodyear
<jgoodyear@townsend.delaware.gov> wrote:

Good Morning Brian and Earle,

We are beginning to gear up for a series of updates to the Town's Municipal Code, and one of the sections we are considering revising relates to the adoption of the ICC, IRC, IBC, and Fire Code (IFC). At this time, we are generally agreeable to adopting the most recent versions of each.

Before moving forward, we wanted to reach out and gather your input. Specifically, we would appreciate any feedback, concerns, cautions, or general recommendations you may have regarding adopting the latest code editions. While we want to ensure the Town is keeping pace with current standards, we also want to be thoughtful about implementation and any potential impacts on development, enforcement, and administration.

If there are any challenges you have seen in other municipalities, or best practices you would suggest as we consider this update, your insight would be extremely valuable.

Thank you both in advance for your time and input, we truly appreciate your partnership and expertise.

Best Regards,

Julie M. Goodyear
Town Manager
Phone: 302-378-8082
Fax: 1-302-378-7099
jgoodyear@townsend.delaware.gov

**I will be on leave for the month of April with limited access to email. For immediate assistance during this time, please contact Jennifer Helms at jhelms@townsend.delaware.gov



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www.Townsend.Delaware.Gov

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24.04.060 Definitions - Zoning And Unified Development Code

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Accessory building" means a building detached from a principal building located on the same lot to the side or rear of the principal structure, and which is incidental and subordinate to the principal use or building.

"Accessory use" means a use of land or building, or portion thereof, incidental and subordinate to the principal use or building.

"Adult bookstore" means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section (see below), or an establishment with a segment or section devoted to the sale or display of such material.

"Adult entertainment establishment" means an enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patron therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets, physical culture establishments, photographic studios, or any other normally permitted use where "specified sexual activities" are displayed, or where "specified anatomical areas" are exposed to customers.

A. For the purpose of this definition, the term "specified sexual activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

B. For purposes of this definition, the term "specified anatomical areas" is defined as:

1. Less than completely and opaquely covered human genitals, pubic region buttocks and female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Alteration" means a change in the appearance of building, structure, site, or object which is not otherwise covered by the definition of demolition, or any other change for which a permit is required.

"Apartment" means a multifamily dwelling unit contained in a building comprised of two or more dwelling units.

"Basement" means a story partly underground and having more than one-half of its clear ceiling height above the grade.

"Board of adjustment" means the officially established board of adjustment of the town.

"Buffer yards" means a landscaped strip of land at the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict.

"Buildable area" means the land area remaining on a tract after the minimum open space, buffer yards and setbacks have been met.

"Building" means a structure built on a lot, having a roof, and intended to shelter people, animals, property, business activity, use or occupancy.

"Building coverage" means the aggregate of the maximum horizontal cross section areas excluding cornices, eaves and gutters, of all buildings on a lot.

"Building height" means the maximum permitted height of a building permitted on a lot. Building heights is determined from the vertical distance measured from the lowest ground elevation to the highest point of the building, excluding chimneys and antenna.

"Building line" See *lot line*.

"Building primary" See *principal building*.

"Business office" See *professional office* and *personal service office*.

"Campers/trailers" See *recreation vehicle*.

"Cellar" means a story partly underground and having more than one-half of its clear ceiling height below grade.

"Certificate of zone compliance" means a certificate issued by the board of adjustments upon completion of construction, alteration or change in occupancy of a building. Said certificate shall acknowledge compliance with all requirements of this article, such adjustments thereto granted by the board of adjustment, construction in accordance with the plans and specifications filed with the board of adjustment and all applicable town regulations.

"Church" means a building or group of buildings including customary and secondary buildings designed or intended for public worship, organized religious services, and accessory uses associated therewith.

"Commercial Vehicle" shall mean a vehicle of a type required to be registered as commercial under State Law or used or maintained for the transportation of persons or property for hire, compensation, or profit, except taxibabs. Commercial vehicles are further defined by the Federal Highway Administration (FHWA) as a Class 3-vehicle which is classified as a four tire, single unit vehicle.

"Demolition" means the razing or destruction, whether entirely or in significant part, of a building or structure, site or object. Demolition includes the removal of a building, structure or object from its site, the removal or destruction of the facade or surface, or alteration to such an extent that repair is not feasible or so costly so as to be prohibitive, rendering the property unfit for use.

"Density, residential gross" means the total number of dwelling units which may be developed or are developed on a tract of land before requirements for streets, infrastructure and open space are provided. Residential gross density is determined by dividing the number of dwelling units by the total tract area.

"Density, residential net" means the resulting number of units which may be developed on a site after the requirements for streets, infrastructure and open space have been provided. Residential net density is determined by dividing the total number of dwelling units by the net buildable area of the tract.

"Developer" means a person, firm or corporation filing an application for development as defined by this section.

"Development" means any new or expanded use of a building, structure, land or waters; any disturbance of land, soil, vegetation, or waterways; any division of land or land development whether for sale or lease.

"Drive-in facility" means buildings or uses providing drive-in or drive-thru service to customers in automobiles including, for example: drive-in and drive-thru restaurants and banking and pharmacies and similar operation within drive-thru windows.

"Dwelling" means a building, or portion of a building, used as a place of residence, containing sleeping, cooking and sanitary facilities, excluding commercial lodging.

"Dwelling, attached" means two or more dwelling units in a single structure or attached structures, each which could have a single lot, which are separated by a dividing wall. This includes two-family dwellings.

"Dwelling, multifamily" means a structure containing more than one dwelling unit with either direct access to the outside, or through a common hallway, with a separate kitchen facility and living quarters in each unit.

"Dwelling, single-family detached" means a dwelling unit, including a manufactured home, designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling and meeting the following criteria:

- A. Minimum floor area of 750 square feet.
- B. It has a minimum width along any exterior front, side or rear elevation of 20 feet, exclusive of garage area.
- C. If applicable, transportable sections shall be no less than ten feet in width, unless the unit is transportable in three or more sections, in which case only one section need be more than ten feet wide.
- D. It is permanently mounted on a solid foundation or pier foundation system and anchored, and in each case in accordance with BOCA.
- E. All wheels, axles, transportation lights and towing apparatus, if any, shall be removed from the dwelling when it is placed on the foundation in accordance with paragraph C of this definition.
- F. All utilities shall be permanently connected in accordance with the town plumbing and mechanical codes.
- G. It has a storage area in a basement located beneath the living area, in an attic area, in a closet area, in an attached or detached garage or enclosed structure constructed on a permanent foundation and having an area of not less than 160 square feet or any combination thereof. The total storage area must not be less than 15 percent of the gross floor area of the dwelling unit. It shall have a weather-resistant exterior covering material comparable in appearance, quality and durability to materials used on the dwelling, such as brick, stone facing, treated lumber, masonry or masonry veneer, which shall extend to the ground.
- H. The siding of all dwellings shall be continuous so as to enclose any joining of two or more sections.
- I. It complies with all pertinent sections of the building code and the state fire and safety codes.

"Dwelling unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy of one family with separate facilities for all of the following: sanitation, living, sleeping, cooking and eating.

"Family" means one or more persons, related by blood or marriage, occupying a dwelling unit and living as a single nonprofit housekeeping unit.

"Farm" means the land, buildings, structures and machinery which are primarily adapted and used for agricultural purposes.

"Farm building" means any building used for storing agricultural equipment or farm produce, housing livestock and poultry and processing dairy products. The term "farm building" shall not include dwellings.

"Flood fringe" means those portions of the floodplain, outside the floodway, subject to inundation by the 100-year flood and generally associated with standing or slowly moving water rather than rapidly flowing water. The extent of the flood fringe is determined by detailed study data and profiles found in the FEMA flood insurance study.

"Floodplain" means a relatively flat or low-lying land area adjoining a river, stream, or watercourse which is subject to periodic partial or complete inundation. Specifically, those areas identified by the Federal Emergency Management Agency's (FEMA) flood insurance rate map as being subject to periodic inundation by a 100-year storm, including the floodway, flood fringe and areas for which no base flood elevations area available as depicted in the most recent FEMA flood insurance rate map. For land development plans or subdivision plans exceeding 50 acres or proposing to create five or more lots within or adjacent to a floodplain where base flood elevations are not available, the applicant must provide a hydrologic and hydraulic analysis to establish the base flood elevations. The applicant must obtain a letter of map revision from FEMA prior to final plan approval.

"Floodway" means the portion of the floodplain district required to carry and discharge the waters of the 100-year flood without increasing the water surface elevation at any point more than one foot above existing conditions as demonstrated in a flood insurance study.

"Garage, private" means an accessory building for storage purposes only and used by the owner or tenant of the property, and in which no business, service or industry is conducted.

"Garage/parking, public" means a garage or parking area available to the public for free or a fee.

"Garden apartment" See *apartment*.

"Gross floor area" means the sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

- A. The horizontal square footage is measured from the outside face of all exterior walls.
- B. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures shall be included as GFA wherever at least seven feet are provided between finished floor and ceiling.
- C. No deduction shall apply for horizontal areas void of actual floor space, for example, elevator shafts and stairwells.

"Home occupation" means a business, profession, occupation or trade located entirely within and accessory to a residential dwelling which does not change the essential character of the residential use and which is not evident from the exterior of the dwelling.

"Impervious surfaces" means areas that do not allow significant amounts of water to penetrate.

"Junk yard" or "salvage yard" means any outdoor establishment or place of business, which is maintained, used, or operated for storing, keeping, buying or selling junk or salvage.

"Lot" means a parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plot which is recognized as a separate legal entity for purposes of transfer of title and possessing frontage on at least one street improved to meet the town standards for street construction.

"Lot area" means the area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way.

"Lot, corner" means a lot at the junction of and fronting on two or more intersecting streets.

"Lot coverage" means the percentage of the lot area which is covered by impervious surfaces.

"Lot line" means a line, including a property line or lease line, dividing one lot from another or from a street or other public space.

"Lot line, front" means the street lot line from which access is taken. In the case of a corner lot, the lot shall be considered to have two front lot lines and two side lot lines.

"Lot line, rear" means the lot line opposite the front lot line.

"Lot line, side," means the lot lines that run generally perpendicular to or at an angle to the street or any line that is not a front, street or rear lot line.

"Lot line, street" means any lot line that is also a street right-of-way.

"Lot width" means the horizontal distance between the side lot lines, measured between the points on the side lot lines at which they are intersected by the required setback.

"Major land development" means a development plan that proposes one or more of the following:

- A. A new public or private street, or dedication to public use of an existing street.
- B. Buildings of 5,000 square feet or more of gross floor area.
- C. Additions to existing nonresidential developments of ten or more percent of the existing gross floor area.
- D. A subdivision of four or more lots.
- E. Apartment or multifamily development containing five or more units.
- F. Wetlands or floodplain disturbance or stream encroachment.

"Manufactured home" means a one-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Code.

"Minor land development" means any development not qualifying as a major land development as herein defined.

"Mobile home" means a transportable one-family dwelling larger than 320 square feet, designed to be used as a year-round residence. This definition does not include motor homes or recreational vehicles.

"Motor vehicle service establishment" means a building or use which is intended to be used for fuel sales, servicing, repairs, maintenance, or cleaning of motor vehicles.

"Net lot area" See *lot area*.

"Nonconforming building or use" means a building or a use of land or a building existing at the effective date of the ordinance from which this section is derived which does not conform to the requirements of this article.

"Nonconforming lot" means a lot legally existing at the effective date of the ordinance from which this section is derived which does not conform to the requirements of the zoning district in which it is located, such as lot area, coverage, width, setbacks, etc.

"Office" means a building or portion of a building wherein services are performed involving predominantly administrative, data processing, professional or clerical operations.

"Open space" means land area to be left open and undeveloped as a natural resource preservation, recreation and buffer yards as defined in this section.

"Parking space" means an open space on a lot or in a garage, reserved exclusively for parking motor vehicles, the area of which is not less than nine feet x 18 feet, and to which there is direct access to a street, alley, driveway or vehicular access way.

"Principal building or use" means the main building or use on a lot in terms of size, areas and function.

"Recreation, active" means recreational use areas or activities requiring formal facilities, such as ball fields, courts, running and jogging trails, swimming pools, community centers, etc.

"Recreation, passive" means recreational use areas or activities which require no special or formal facilities or are natural areas. Passive recreation activities include but are not limited to bicycle riding, walking, hiking, bird watching, etc.

"Residential professional office" means a professional office which is operated from a residential property and which is limited to the practice of medicine, law, dentistry, architecture, engineering and similar professional occupations.

"Restaurant" means any establishment at which food is sold for consumption on the premises to patrons seated within an enclosed building.

"Salvage" means any discarded material or articles, including scrap metallic or nonmetallic items, whole or parts of vehicles and equipment, paper, glass, containers and structures, which is separated for industrial processing or reprocessing and further used or reused.

"Sign" means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images and as further defined in this section.

"Special exception" means a form of permitted use, authorized by this article, under the jurisdiction of the board of adjustment. The board of adjustment is empowered to grant permission for special exceptions, consistent with the public interest, in compliance with the standards and procedures established in this article.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

"Story, first" means the ground floor story of a building, provided its floor level is not more than four feet below the mean lot level adjacent to the foundations.

"Story, half" means a story under a sloping roof at the top of the building, the floor of which is not more than two feet below the wall plate.

"Street" means a strip of land comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than three separate parcels contiguous to one another shall not be considered a street as this term is defined.

"Street, arterial" means a street, which serves, or is designed to serve as a connection between uses which generate heavy traffic volumes, or between other arterial streets.

"Street, collector" means a street, which serves or is designed to serve as the connection from local streets to the arterial streets system.

"Street, cul-de-sac" means a short, independent, local street having only one point of ingress and egress, terminating in a circular turn-around or other approved termination.

"Street line" means a property line of a lot that coincides, with a right-of-way line of street also defined as a street lot line.

"Street, local" means a street, which serves or is designed to serve primarily as access to abutting properties.

"Structure" means any man-made object having ascertainable stationary location on land or in the water, whether or not affixed to the land.

"Structure, permanent" means a structure placed on or in the ground, or attached to another structure in a fixed position.

"Structure, temporary" means a structure that is designed to be repeatedly erected or inflated, tents and inflatable structures, or buildings that are picked up and moved.

"Subdivision, major" means any subdivision which does not qualify as a minor subdivision as herein defined.

"Subdivision, minor" means a subdivision plan shall be deemed minor if all of the following conditions are met:

- A. The proposal does not involve the creation of more than three lots.
- B. The proposal does not involve the construction or extension of streets or utilities.
- C. The proposal does not require any variances.
- D. The proposal does not involve any wetlands or floodplain disturbance.

"Townhouse" means a single-family attached dwelling unit, with a single unit going from ground to roof, and with individual outside access.

"Use" means the specific purposes for which the land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

"Yard" means an unoccupied space open to the sky on the same lot with a building or structure, the depth of which is determined by the specific requirements of the zoning district in which it is located.

"Yard, front" means a yard extending the full width of the lot between street line and the principal building erected thereon, the depth of which is equal to or exceeds the required setback.

"Yard, rear" means a yard extending the full width of the lot between the rear lot line and the principal building.

"Yard, side" means a yard between the principal building and the side lot line extending from the street line to the rear lot line.

(UDC 2002, § 104)

HISTORY

Amended by Ord. [2024-002](#) on 5/1/2024

Bond Reduction- Comparables from other Municipalities

Bridgeville:

<https://ecode360.com/8861818?highlight=bond&highlight=bonding&highlight=bonds&searchId=1848879640259934#8861807>

§ 234-61 Bonds and guaranties.

A. Performance bond or guaranty required.

(1) As a condition of approval of improvement plans, the Town Commissioners shall require the subdivider to post a performance bond or other guaranty for any improvements required by the application of this chapter in an amount sufficient to construct the improvements and in a form acceptable to the Town Attorney.

(2) The amount of such bond shall be **no less than 125% of the cost of improvements**. Bonding and guaranties may be required for street and road improvements, surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, forested buffer strips or other improvements deemed necessary by the Town.

B. Additional bonds or guaranties authorized. Where a public agency other than the Town has the authority to require performance guaranties but in the determination of the Town Commissioners those guaranties are not adequate to ensure completion of improvements, the Town Commissioners may require additional bonds or guaranties in accordance with the provisions of Subsection A of this section.

Smyrna:

https://library.municode.com/de/smyrna/codes/code_of_ordinances?nodeId=PTIITOCO_APXBSULADEOR_ART3SUREPR_S3.08SUIMCOPE

d.Completion, payment, and maintenance bonds required.

1.Bonding *for standard subdivision*. No building permit or improvement construction permit shall be issued and no individual lots shall transfer ownership until the owner and/or developer of a subdivision not being built pursuant to phases has filed with the town a completion and payment bond in the amount of one hundred twenty-five percent (125%) of the total construction costs for all subdivision improvements in the subdivision for which a permit is being sought.

2. Bonding for phased development. For a development being constructed pursuant to an approved phasing plan, an improvement construction permit may be issued prior to bonding being obtained for the subdivision improvements. Prior to the issuance of any building permits, a completion and payment bond shall be filed with the town for:

A. Except as otherwise indicated in subsection (B) below, ten percent (10%) of the total construction costs for all subdivision improvements that have been completed to the town's satisfaction in that phase; and

B. One hundred twenty-five percent (125%) of the total construction costs for (i) all subdivision improvements in that phase that have not been completed to the town's satisfaction, (ii) for that phase, all streets (including base course and wearing course), curbs, and sidewalks, irrespective of their completion status, and (iii) all open space areas and landscaping amenities for the entire subdivision not completed to the town's satisfaction.

Milford:

https://library.municode.com/de/milford/codes/code_of_ordinances?nodeId=PTIIGELE_CH230ZOCO_ARTXSIPLRE_S230-52.2COPR

§ 230-52.2. - Construction Procedures.

A. Prior to commencement of construction, the developer shall request a pre-construction meeting with the City Engineer. Payment of the required development inspection fee, as adopted by City Council and found in the City Fee Schedule, shall be made prior to the scheduling of the pre-construction meeting.

B. Improvements within the development shall be constructed per the approved construction plans and the City's Standard Construction Specifications. Any deviations from the construction plans must be submitted to the City Engineer in writing for review and approval.

C. A performance bond in the amount of 125% of the cost of installation shall be required for the construction of recreational and open space amenities, including but not limited to community buildings, playgrounds, walking paths, landscaping and landscape screening. The performance bond shall be posted prior to the issuance of the first building permit.

D. Conditional Acceptance of Infrastructure by City Engineer.

(1) Prior to the issuance of building permits, the developer shall obtain conditional acceptance from the City Engineer as outlined in the City's Standard Construction Specifications.

(2) A maintenance bond shall be provided by the developer in the amount of 10% of the improvements to be taken over and maintained by the City.

(3) A performance bond shall be provided by the developer in the amount of 125% of the cost for any item that has not been satisfactorily completed as approved by the City Engineer.

E. Final Acceptance of Infrastructure by City Council.

(1) Final top coat shall be paved after 75% of building permits have been issued for a project or phase of a project and prior to 90% of building permits having been issued for a project or phase of a project.

(2) Final acceptance of utilities shall not occur until after the paving top coat has been completed.

(3) Upon completion of the top coat paving, the City Engineer may release the top coat performance bond. The 10% maintenance bond will remain in place until one year after acceptance of the final top coat paving.

(4) Upon completion of the required one-year maintenance period, the right-of-way improvements may be accepted by City Council by resolution.

(5) Upon acceptance by City Council, the maintenance bond may be released by the City Engineer in its entirety.

Elsmere:

<https://ecode360.com/8866601>

(10) Bonding. Before construction within a subdivision begins and prior to the issuance of building permits, a surety guaranty bond or other security instrument acceptable to a approved by the Town Solicitor shall be posted in the amount equal to 150% of the estimated cost to the Town for work required in the construction improvements plan.

Milsboro:

<https://ecode360.com/10623938>

(e) Bond requirements. Before any work is started or contract awarded, the developer must put in escrow sufficient funds or provide a performance bond, surety guarantee bond or irrevocable letter of credit ("bond") to cover 150% of the estimated cost of the work to be performed. As a condition of approval of improvement plans, the Town Council shall require the developer to post a performance bond or other guaranty for any improvements required by the application of this chapter in an amount sufficient to construct the improvements and in a form acceptable to the Town Attorney. **The amount of such bond shall be no less than 150% of the costs of improvements.** Bonding and guaranties may be required for street and road improvements, surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, forested buffer strips or other improvements deemed necessary by the Town Council. Where a public agency other than the Town has authority to require performance guaranties, but in the determination of the Town Council those guaranties are not adequate to ensure completion of improvements, the Town Council may require additional bonds or guaranties in accordance with the provisions of Subsection **A** of this section.

Middletown:

PART III – PERFORMANCE GUARANTEE

A. To guarantee that improvements are maintained and completed as required herein, DEVELOPER shall provide a performance guarantee and SURETY in a form acceptable to TOWN and in an amount approved by TOWN. All improvements shall be subject to said performance guarantee.

B. Proceeds Available.

1. The entire amount stated in the performance guarantee shall be provided to TOWN prior to the pre-construction meeting being scheduled and held for the DEVELOPMENT. For PHASED projects, the amount determined applicable for each PHASE shall be available to TOWN prior to the date a pre-construction meeting for that PHASE is scheduled and held. If a PLAN is not PHASED, the PLAN shall be treated as if it were one (1) PHASE. It shall be DEVELOPER'S sole responsibility to notify the bank, SURETY, or other party that the amount determined to

be applicable for a particular PHASE is available to TOWN. TOWN shall have no responsibility to notify any party and TOWN's rights to collect SURETY proceeds shall not be affected in any way if the bank, SURETY, or other party is not notified.

2. For PHASED Projects, a separate and distinct SURETY shall be required for each PHASE.

C. DEVELOPER shall maintain this performance guarantee and a SURETY in the required sum and in accordance with this Agreement. If DEVELOPER fails to maintain the SURETY in the required amount, DEVELOPER shall be considered in violation of this Agreement.

D. Amount. DEVELOPER shall provide SURETY, the amount of which shall be based on a construction cost estimate prepared by DEVELOPER's engineer and/or site contractor. DEVELOPER shall submit a detailed construction cost estimate to TOWN of all public improvements including but not limited to the following: roads, utilities (water, sanitary sewer and storm sewer), sediment and stormwater management controls and facilities, landscaping, grading of private and public open spaces, sidewalks and shared use paths, other public improvements as shown on the PLANS and CONSTRUCTION PLANS. The estimate must specifically list each improvement or category of improvement and state the amount applicable to that improvement or that category of improvement. The form and amount estimate must be approved and accepted by TOWN. The SURETY shall be in an amount equal to one hundred fifty (150%) percent of the cost estimate approved and accepted by TOWN.