TOWN OF FREDERICA

ORDINANCE NO. 26-04

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF THE TOWN OF FREDERICA RELATING TO PENALTIES FOR WORK COMMENCED WITHOUT REQUIRED PERMITS

WHEREAS, the Mayor and Council of the Town of Frederica are charged with protecting the public health, safety, and welfare of the Town and its residents through the enforcement of municipal codes, land use regulations, and permitting requirements; and

WHEREAS, the Code of the Town of Frederica requires permits for certain construction, demolition, installation, alteration, placement, and related activities in order to ensure compliance with applicable building, zoning, safety, floodplain, and land development standards; and

WHEREAS, commencement of work without first obtaining required permits undermines the orderly administration of the Town Code, impedes inspections, may create unsafe conditions, and imposes additional enforcement and administrative burdens upon the Town; and

WHEREAS, Chapter 180 of the Code of the Town of Frederica establishes municipal fees, charges, and related administrative costs, including fees associated with permits, inspections, and approvals; and

WHEREAS, the Mayor and Council find that persons who commence work without first obtaining required permits should bear the additional costs associated with enforcement, investigation, stop-work compliance, administrative review, and corrective measures; and

WHEREAS, the Mayor and Council further find that increasing permit fees when work has commenced without the required permit will encourage voluntary compliance, promote fairness to applicants who timely obtain permits, and protect the interests of the Town;

NOW, THEREFORE, BE IT ORDANIED BY THE MAYOR AND COUNCIL OF THE TOWN OF FREDERICA IN COUNCIL MET:

Section 1. Amendment to Chapter 180.

Chapter 180, Fees, Municipal, shall be amended by adding a new section titled, §180-2 Permit Violations; Double Fee Penalty, to read as follows:

§180-2 Permit Violations; Double Fee Penalty.

A. Whenever any person, firm, contractor, owner, or entity commences construction, installation, alteration, demolition, placement, erection, repair, or other work for which a permit is required under the Code of the Town of Frederica without first obtaining the required permit, the fee for such permit shall be twice the otherwise applicable permit fee.

B. Payment of the doubled fee shall not excuse or legalize any work performed in violation of the Town Code, nor prevent the issuance of a stop-work order, citation, denial of approvals, or other remedies authorized by law.

C. Each day that unpermitted work continues after written notice from the Town may constitute a separate violation.

D. The Town may withhold inspections, certificates of occupancy, utility approvals, or final approvals until all doubled fees and related charges are paid in full.

E. The Mayor and Council may waive the doubled fee upon written finding of clerical error, emergency work necessary to protect life or property, or other good cause shown.

Section 2. Repealer.

All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability.

If any portion of this Ordinance is held invalid, the remaining provisions shall remain in full force and effect.

Section 4. Effective Date.

This Ordinance shall take effect thirty days from and after its approval by Council.

ORDAINED AND ENACTED INTO THE LAW by a majority vote of the Council Members present at a regular session of Frederica, Delaware Town Council on this 20th day of May, 2026.

First Reading: May 6, 2026

Public Hearing & Second Reading: May 20, 2026

Published: May 27, 2026

William C. Glanden

William C. Glanden,
Mayor

I hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on May 20, 2026, 2026 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

Jennifer French

Clerk

SYNOPSIS:

This Ordinance amends Chapter 180 of the Code of Frederica relating to penalties for work commenced without a permit.