

Middlesex Beach Association

Permissible Days & Times

for Emergency Repairs(1), Construction & Demolition(2), Repairs(3), Maintenance(4), and Tree Removal/Work(5)

May 2019

Middlesex Beach strictly regulates the permissible Days and Times for performing interior or exterior work in the community, depending upon the nature of the approved work:

- Emergency Repairs
- Construction & Demolition
- Repairs
- Maintenance
- Tree Removal/Similar Work

MBA regulates the permissible days and times of construction or other work on property and/or lots to enable Lot Owners to cost effectively undertake and quickly complete building projects. These rules are also designed to ensure the peace and quiet of all in the community, and to comply with the MBA Restrictive Covenants, Section 9.1 *NUISANCES*. The Covenants mandate the prevention or occurrence of any activity or event in Middlesex Beach which could constitute “a public nuisance, or eyesore, or menace to public health, safety or welfare, or which threatens to adversely affect the safety of or value of Middlesex Beach and the other properties therein.”

These rules on *Permissible Days & Times of Work* include clear definitions of work types and explain the specific days and hours when certain work is permitted or prohibited. MBA Lot Owners (as well as their contractors) must legally comply with:

- i. these regulations;
- ii. applicable Sussex County Codes, Rules and Regulations; and
- iii. applicable Delaware State statutes, codes and regulations, particularly those of the Delaware Department of Natural Resources and Environmental Control (DNREC).

These *Permissible Days & Times for Work* rules apply to all MBA Lots, and equally apply to:

- all Contractors or agents engaged by MBA Lot Owners, and
- all MBA Lot Owners, their family members, guests, and tenants or renters.

DEFINITIONS

1. **Emergency Repairs:** Emergency Repairs include only the minimum, immediate, short-term work necessary to control unexpected and immediate threats to people or property, which if not remediated would reasonably result in imminent injury, death or in serious damage, destruction or loss of property.
 - a. Work which would otherwise require a permit but is legitimately defined as an “Emergency Repair” by this definition, may proceed temporarily without a formal MBA building permit or MBA approval.
 - b. Notification and Permits required.
 - i. Notification must be made via the Emergency Repair Notification form on the MBA website, or via notification to the MBA President by email or phone, **within 48 hours of beginning any Emergency Repair Work**. Please see “*Emergency Repair Procedures*” on the MBA website.
 - ii. Separately, an application for an appropriate Building Permit for construction, demolition, and/or repair must be made as soon as is practical – but not later than seven (7) calendar days after beginning such Emergency Repair Work.
 - iii. If such work is later determined not to be Emergency Repair Work, the property owner may be subject to appropriate fines or other sanctions.

2. Construction & Demolition:

- a. **Construction** is defined as any interior or exterior work resulting in a new, added, or altered: main structure or its roof or attachments; detached accessory structures including sheds and detached garages; fences, walkways or retaining walls; trash and recycling enclosures; water and sewer lines; signs; and/or imperviously paved areas. This includes any reconstruction, renovation, remodeling, pile driving, drilling, excavating, filling or grading associated with the construction, as well as the staging/storage of materials or equipment related to construction or similar work.
- b. **Demolition** includes substantially deconstructing, demolishing, disassembling, removing or otherwise reducing an existing structure, whether or not it will be replaced.

3. Repairs: Repairs are defined as repair and/or replacement for the purpose of restoring structures, components or paved areas to safe and usable conditions.

- a. **“Repairs”** include interior or exterior work such as: patching; mending; restoration; and minor replacement of materials, elements, components, equipment or fixtures. Replacement is considered a “repair” when done on a like-for-like basis. Examples include replacing a door, window, outside deck board, electrical fixture, built-in appliance, faucet, or a small (< 4' x 4') section of leaking roof shingles, or similar elements, with a like-for-like item.
- b. **Work is not considered a “Repair” but is considered “Construction” or “Demolition”** subject to paragraph (2) above if the scope of work would result in an “altered structure” or would remove or add a component. This includes, among others, interior or exterior work such as: adding or removing a deck, wall, door or window; installing a different size door or window; running a new water line; expanding, enclosing or removing a porch or driveway; replacing roof or wall sheeting/sheathing in conjunction with replacing roof shingles or siding boards; adding additional electrical fixtures.

4. Maintenance: Maintenance is defined as Interior or Exterior Work that is not *Construction, Demolition, or Repair*, but which is routinely required to preserve property appearance. Maintenance includes activities such as routine household electric, HVAC or plumbing maintenance; cutting grass or trimming shrubs; minor landscaping; spraying for mosquitoes; cleaning ditches, gutters or drains; re-nailing deck boards; or work required to prevent the interior or exterior of structures from deterioration by screening, painting, or staining, using only hand tools or residential-sized power washers.

5. Tree Removal and Similar Work: Tree Removal/Work is defined as any work requiring equipment such as trucks, trailers, cherry-pickers, or power tools to cut, chip, grind, or remove a tree or its limbs, branches, stump or roots from a Lot. This definition is not intended to prevent the use of hand tools to cut small trees, trim shrubs, or to prepare fallen branches or small trees for yard waste pick up.

6. Signs/Signage: All signs/signage must be in compliance with the Covenants and applicable MBA rules, including the *Rules & Regulations for Construction, Repair, Tree Removal, Demolition, Paving, Maintenance & Other Work*. Changes to or additions to existing signage and/or erection of new signage must be approved by the MBA Board.

7. Contractor Work: Contractor Work is any work performed by an individual, agent or company hired or otherwise commercially engaged to perform work for a Lot Owner.

8. Lot Owner(s) Work: Lot Owner(s) work is any Construction, Demolition, Repair, Tree/Removal Work, or Maintenance performed by the property or Lot Owner(s) or by his or their family, guests, or renters.

9. Holiday and/or Holiday Weekend Work:

- a. Contractors may not perform of any kind of work in Middlesex Beach on Holidays or Holiday weekends, except Emergency Repairs.
- b. Lot Owner(s) may perform Interior Construction, Repair work, and Maintenance on Holidays and Holiday weekends.
- c. Exterior Construction or Repair is not permitted on these days:
 - New Year's Day
 - Martin Luther King weekend (Saturday–Monday)
 - President's Day weekend (Saturday–Monday)
 - Easter weekend (Saturday–Sunday)
 - Memorial Day weekend (Saturday–Monday)
 - 4th of July (including the 3-day weekend if July 4 falls on a Friday–Monday)
 - Labor Day weekend (Saturday–Monday)
 - Columbus Day weekend (Saturday–Monday)
 - Veteran's Day if the holiday falls on a Monday or Friday (including the 3-day weekend)
 - Thanksgiving weekend (Thursday–Sunday)
 - Christmas Day

10. Building Permits

MBA Building Permits are required for all Construction, Repair, Tree Removal, Maintenance and any other work as provided by MBA rules governing construction activities. Permits are required for:

- a. **Large Projects:** Any work valued at \$25,000 or more.
- b. **Small Projects:** Any work, repair, maintenance, or tree work valued at less than \$25,000.
- c. **Demolition:** See "*Definitions*," above.
- d. **Emergency Repairs:** Owners must notify MBA via the Emergency Repair Notification form on the MBA website (or notification to the MBA President by email or phone) **within 48 hours of beginning Emergency Repair work.**
 - i. **Emergency Repairs include** only the minimum, immediate, short-term work necessary to control unexpected and immediate threats to people or property, which if not remediated would reasonably result in imminent injury, death or in serious damage, destruction or loss of property. Emergency repair work can only be started without a permit in order to control or abate such imminent threats.
 - ii. **Within seven (7) days of beginning such Emergency Repair Work**, owners must also apply for proper MBA Building Permits, as well as applicable permits from Sussex County, and/or DNREC.

Work by Contractors

		Emergency Repairs (1)	Construction & Demolition: (2)	Repairs (3)	Maintenance (4)	Tree Removal/Work (5)
Work by Contractors	September from the day after Labor Day to October 31	If immediate threat to life or property exists, work is allowed 24hrs/day, 7 days/week until immediate threat is controlled. Once the immediate threat has been remediated work shall take place per the regular schedule of permissible hours for Repair Work.	M-F: 8:00 AM with departure from site no later than 6:00 PM	M-F: 8:00 AM with departure from site no later than 6:00 PM	M-F: 8:00 AM with departure from site no later than 6:00 PM	M-F: 8:00 AM with departure from site no later than 6:00 PM
	November 1 to June 30		M-F: 8:00 AM with departure from site no later than 6:00 PM. Saturdays: 9:00 AM with departure from site no later than 4:30 PM. Note: No new exterior construction may begin after June 1. Exterior construction underway may continue until 30 June.	M-F: 8:00 AM with departure from site no later than 6:00 PM. Saturdays: 9:00 AM with departure from site no later than 4:30 PM	M-F: 8:00 AM with departure from site no later than 6:00 PM. Saturdays: 9:00 AM with departure from site no later than 4:30 PM	M-F: 8:00 AM with departure from site no later than 6:00 PM. Saturdays: 9:00 AM with departure from site no later than 4:30 PM
	July 1- September until the day after Labor Day		Construction work is NOT allowed through the day after Labor Day.	Only Interior Work within completely enclosed space with windows & doors closed M-F: 8:00 AM with departure from site no later than 6:00 PM . Repairs by these contractors may be performed at any time due to their nature and inability to limit schedule: cable, HVAC, pumps/sewer/plumbing; propane; telephone; electricity.	M-F: 8:00 AM with departure from site no later than 6:00 PM . Repairs by these contractors may be performed at any time due to their nature and inability to limit schedule: cable, HVAC, pumps/sewer/plumbing; propane; telephone; electricity.	No work allowed except for work that meets "Emergency Repair Procedures" requirements

Work by Lot/Property Owner(s) with Family & House Guests & Renters

		Emergency Repairs (1)	Construction & Demolition: (2)	Repairs (3)	Maintenance (4)	Tree Removal/Work (5)
Lot Owner(s) with Family & House Guests & Renters	September from the day after Labor Day -October 31	If immediate threat to life or property exists, work is allowed 24hrs/day, 7 days/week until immediate threat is controlled. Once the immediate threat has been remediated work shall take place per the regular schedule of permissible hours for Repair Work.	M-F: 8:00 AM until no later than 6:00 PM	M-F: 8:00 AM until no later than 6:00 PM ; Saturdays: 9:00 AM-4:30 PM Sundays: 9:00 AM-4:30 PM	M-F: 8:00 AM until no later than 6:00 PM ; Saturdays: 9:00 AM-4:30 PM Sundays: 9:00 AM-4:30 PM	M-F: 8:00 AM until no later than 6:00 PM ; Saturdays: 9:00 AM-4:30 PM Sundays: 9:00 AM-4:30 PM
	November 1 to June30		M-F: 8:00 AM until no later than 6:00 PM . Saturdays: 9:00 AM until no later than 4:30 PM ; Sundays: 9:00 AM-4:30 PM	M-F: 8:00 AM until no later than 6:00 PM . Saturdays: 9:00 AM until no later than 4:30 PM ; Sundays: 9:00 AM-4:30 PM	M-F: 8:00 AM until no later than 6:00 PM . Saturdays: 9:00 AM until no later than 4:30 PM ; Sundays: 9:00 AM-4:30 PM	M-F: 8:00 AM until no later than 6:00 PM . Saturdays: 9:00 AM until no later than 4:30 PM ; Sundays: 9:00 AM-4:30 PM
	July 1- September until the day after Labor Day		Construction work is NOT allowed through the day after Labor Day.	Only Interior Work within completely enclosed space with windows & doors closed. M-F: 8:00 AM until no later than 6:00 PM ; Saturdays: 9:00 AM until no later than 4:30 PM ; Sundays: 9:00 AM-4:30 PM . Repairs by these contractors may be performed at any time due to their nature and inability to limit schedule: cable, HVAC, pumps/sewer/plumbing; propane; telephone; electricity.	M-F: 8:00 AM until no later than 6:00 PM . Saturdays: 9:00 AM until no later than 4:30 PM ; Sundays: 9:00 AM-4:30 PM . Repairs by these contractors may be performed at any time due to their nature and inability to limit schedule: cable, HVAC, pumps/sewer/plumbing; propane; telephone; electricity.	No work allowed except for work that meets "Emergency Repair Procedures" requirements.