"A Historic Past"

"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
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CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 15 – 0615-01

ORDINANCE TO AMEND CITY CODE SECTION 52-2 TO INCLUDE PROVISION REGARDING MAINTENANCE OF OUTDOOR FURNITURE AND LAWN FURNITURE

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, on March 4, 2015, in accordance with Ordinance 14-1215-03, as amended, the Code was amended by Mayor and City Council to include a new Chapter 52 entitled "Property Maintenance;"

WHEREAS, the Mayor and City Council desire to amend Code Section 52-2 for purpose of adding provisions providing for appropriate maintenance and upkeep of outdoor furniture and yard toys;

WHEREAS, at Section 52-2-UU the Code contains provisions with respect to "Prohibited Furniture" at Section 302.11; however such section currently addresses only the outdoor storage of interior-type furniture;

WHEREAS, Mayor and City Council desire to amend Section 52-2-UU, Section 302.11 to include additional language pertaining to outdoor or exterior-type furniture and yard toys;

WHEREAS, under Article V, Section 5-02(B) of the Charter, the Amendment was introduced at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

NOW, THEREFORE, making the finding that the amendments contemplated herein are necessary to enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1 -- Amend Section 52-2-UU of the Code, entitled "Prohibited Furniture" by adding the following language (identified in bold) to the end of such section:

> Section 302.11, Prohibited furniture. Interior type furniture that would be adversely affected by the elements and/or susceptible to infestation by insects, rodents, or other vermin is prohibited from being placed or stored outside a structure. Such prohibited furniture shall include, but shall not be limited to, upholstered couches and chairs, other fabric covered articles and articles not designed or intended for outdoor use. **Items which are specifically designed or manufactured for outdoor use such as lawn furniture, barbeque grills, garden tools and children's outdoor play equipment may be stored outside, provided that they are maintained in good condition and stored in an orderly fashion and, to the extent they are not, such items shall be considered prohibited furniture.**

Section 2. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 3. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless

the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 4. **Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this _____ day of _____, 2015.

ATTEST:

_____
City Secretary

_____
Mayor

APPROVED AS TO FORM:

_____
Council Member

_____
City Solicitor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

First Reading on _____,
Second Reading, Public Hearing, and Final Passage on _____.