"A Historic Past" *"A Bright Future"*

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
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CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 15 – 0921-03

ORDINANCE TO AMEND CITY CODE SECTION 46-147 FOR THE PURPOSE OF AMENDING FEE SCHEDULE TO (A) REDUCE FEES ASSOCIATED WITH CERTIFICATES OF OCCUPANCY; (B) ESTABLISH FEES FOR A CERTIFICATE OF OCCUPANCY; (C) PROVIDE DIFFERENT CLASSIFICATIONS FOR SUCH CERTIFICATES; AND (D) CLARIFY THE FEES ASSOCIATED WITH CERTAIN TYPES OF APPEALS

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, the City Council of the City of Delaware City ("City Council") originally established a fee of $200 for the issuance of a certificate of occupancy with respect to a property without distinction between residential and commercial properties;

WHEREAS, the City Council has determined that the current fee for a certificate of occupancy is too high and that different fees should be charged for residential and commercial properties;

WHEREAS, the City Council has determined that an additional type of certificate, a certificate of compliance, may be required and, as such, desires to establish a fee for the issuance of such certificate for both residential and commercial properties;

WHEREAS, Section 46-147 of the City Code of Delaware City, entitled "Schedule of Fees" contains a fee for "all other variances and appeals," which should specifically reference appeals from subdivision and zoning code interpretations.

WHEREAS, the Mayor and City Council desire to amend Code Section 46-147 ("Fee Amendments") to amend the fee schedule by (a) creating separate categories for residential and commercial certificates of occupancy; (b) creating a fee category for residential and commercial certificates of compliance; (c) establishing fees associated therewith; and (d) clarifying the requisite fees for certain types of appeals.

WHEREAS, under Article V, Section 5-02(B) of the Charter, the proposed amendments were 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 express finding that the proposed amendments outlined herein are for and enhance the health, safety, and welfare of the City of Delaware City, and are reasonably related to the costs incurred by the 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 46-147 of the City Code of Delaware City, entitled "Schedule of Fees", to make the following deletions (as indicated in strike-through) and additions (as indicated in bold):

Fee Type	**Fee**
Certificate of Occupancy **(Residential)**	~~$200~~ **$25**

Certificate of Occupancy (Commercial)	**$50**
Certificate of Compliance (Residential)	**$25**
Certificate of Compliance (Commercial)	**$50**
All other Variances or Appeals **of Subdivision or Zoning Interpretations**	$500
Other Appeals **not otherwise specified herein**, Beneficial Use Appeals, Special Hearings or required fees not otherwise specifically enumerated	$500, plus outside technical or engineering costs, if any, and actual legal, advertising and mailing costs, if any**

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.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this _____ day of _____, 201__.

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 _____.