"A Historic Past"

"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 15 -1116-01

ORDINANCE TO AMEND CITY CODE SECTION 47-2 TO CORRECT ERROR REGARDING ADOPTING BODY

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 ("City Code");

WHEREAS, Section 47-2 of the City Code sets for the requirement for the Planning Commission to make a comprehensive plan for the development of the City or such part or parts thereof as the Planning Commission may deem advisable;

WHEREAS, in its current form, Section 47-2 of the City inaccurately provides that a majority vote of the Planning Commission, not City Council, is required for the adoption or amendment of such comprehensive plan.

WHEREAS, this reference is a scrivener's error because the reference conflicts with State law.

WHEREAS, the Mayor and City Council desire to amend City Code Section 47-2 for the sole purpose of correcting the existing error regarding the appropriate adopting body with respect to the comprehensive plan.

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 ten (10) days in The City of Delaware City.

NOW, THEREFORE, making the finding that the accuracy of the Code is 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 47-2 of the City Code of Delaware City, entitled "Comprehensive Plan" and by removing the word "Commission" from the last sentence of the section and replacing it with the word "City Council."

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 Inconsistent Ordinances and Resolutions Repealed.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or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.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