"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. 16 -0815-01

ORDINANCE TO AMEND CITY CODE SECTION 54-28(C)(2) CORRECT SCRIVENER ERRORS

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, § 2-01 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 Mayor and City Council desire to amend Code Section 54-28(C)(2) for the sole purpose of correcting a scrivener error inadvertently made in the drafting of the Code;

WHEREAS, the first and last sentences of Section 54-28(C)(2) contains a reference to Section 54-28(C)(4), which does not exist, and whereas City Council desires to amend Section 54-28(C)(2) of the Code to correct this inaccuracy (the "Amendment");

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 express 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 54-28(C)(2) of the City Code of Delaware City by removing the stricken text and adding the text identified in bold below:

2. Submission Procedure. The applicant shall submit a major preliminary subdivision plan application to show the nature and extent of all contemplated improvements and lot subdivisions as provided for in Section 54-28(C)(**43**) of this chapter. The applicant is responsible for preparing the preliminary subdivision plan application. The plan shall be submitted as a multiple-sheet document with drawings on sheets no larger than 24 inches by 36 inches and at a scale no less detailed than one inch equals 100 feet. They shall be submitted to City Manager and/or his/her designee or City representative with applicable fees. The City Manager and/or his/her designee or City representative shall check the plans for compliance with Section 54-28(C)(**43**) of this chapter.

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 _____, 2016.

ATTEST:

_____
City Secretary

_____
Mayor

APPROVED AS TO FORM:

_____
Council Member

_____
City Solicitor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member