"A Historic Past"

"A Bright Future"

CITY OF DELAWARE CITY
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CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 16 -0919-01

ORDINANCE TO AMEND AND MODIFY THE CITY DELAWARE CITY CODE CHAPTERS 23, 52 AND 53

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 Chapters 23, 52, and 53 by adding language, deleting language, and correcting scrivener errors (the "Amendments");

WHEREAS, under Article V, Section 5-02(B) of the Charter, the Amendments were 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 changes to 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 Chapter 53, Section 53-3 of the City Code of Delaware City by adding the underlined text identified below:

M. The Building Code Inspector will require any person desiring to erect an accessory building, as defined in Chapter 46 of the Code, to first obtain a building permit if said accessory building exceeds 180 square feet.

Section 2. Modify Chapter 23, Section 23-2 of the City Code of Delaware City to correct a scrivener's error by adding the underlined text and deleting the strikethrough text below:

A. Chapter 1 "Administration" is amended by deleting the chapter in its entirety and substituting the following "Chapter ~~52~~ 53 of the Code of the City of Delaware City – Department of Building Inspection and Code Enforcement; Permits and Approvals."

Section 3. Amend Chapter 52, Section 302.16 of the City Code of Delaware City by adding the underlined text identified below:

Section 302.16, Portable temporary storage units. In any residentially zoned district, the placement of a portable temporary storage unit for non-disposable items is allowed for temporary use by the occupant of the dwelling for thirty (30) days or the time period for which there is an active building permit open on the property. If a portable temporary storage unit is needed for any other reason not stated herein, a building permit must be obtained in accordance with the Code. Such portable storage units are subject to the following limitations.

Section 4. Modify Chapter 52, Section 308.3.3 of the City Code of Delaware City by adding the underlined text and deleting the strikethrough text identified below:

Section 308.3.3, Dumpsters. In ~~any residentially zoned district~~ the R-1, R-2, R-3, and R-MM districts, the placement of dumpsters for disposable items is allowed for temporary use by the occupant of the dwelling for thirty (30) days or the time period for which there is an active building permit open on the property. If a dumpster is needed for any other reason not stated herein, a building permit must be obtained in accordance with the Code. Such dumpster(s) are subject to the following limitations:

Section 5. Modify Chapter 52, Section 404.5 of the City Code of Delaware City by adding the underlined text and deleting the strikethrough text identified below:

Space	Minimum area in square feet		
	1-2 occupants	3-5 occupants	6 or more occupants

Living room	No requirements	120	150
Dining room	No requirements	80	100
Kitchen	~~50~~ No requirement	50	60
Bedrooms	Shall comply with section 404.4.6		

Section 6. Modify Chapter 52, Section 702.5 of the City Code of Delaware City by deleting the strikethrough text identified below:

> Section 702.5, Number of exits. In nonresidential buildings, every story more than six stories above grade shall be provided with two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with two independent exits. In stories where more than one exit is required, all occupants shall have access to ~~no~~ two independent exits. Every occupied story which is both totally below grade and greater than two thousand (2,000) square feet, shall be provided with two independent exits.

Section 7. Modify Chapter 52, Section 302.14 of the City Code of Delaware City by adding the underlined text and deleting the strikethrough text identified below:

> Section 302.14, Prohibited animals in certain residential areas. It shall be unlawful for any owner, tenant or other person in control of a property to raise, breed, keep, shelter or harbor any cattle, sheep, goats, pigs, ducks, geese, waterfowl, guinea hens, chickens, turkeys, donkeys, quail, doves, llamas, raccoons, muskrats, non-domesticated mammals, game foul, pigeons, pheasants, peacocks, foxes, minks, exotic animals, wild animals, game animals and other like animals on a parcel of land which is ~~less than one (1) acre in total area and~~ located in ~~any residentially zoned district~~ the R-1, R-2, R-3, and R-MM districts.

Section 8. **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 9. **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 10. 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

First Reading on _____,

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