"A Historic Past"

"A Bright Future"

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

ORDINANCE NO. 16 – 0919-02

TRANSFERRING THE LOCAL SERVICE FUNCTIONS OF BUILDING INSPECTIONS AND PROPERTY MAINTENANCE ENFORCEMENT TO THE CITY OF DELAWARE CITY

WHEREAS, the City of Delaware City ("Delaware City") has petitioned New Castle County (the "County") for the transfer of the local service function of building inspection, which includes building regulation and the granting of permits relating to and the regulation and supervision of construction, alteration, repair, removal, demolition, equipment, use or occupancy, location and maintenance of buildings and structures erected or to be erected in Delaware City and the granting of permits relating to and the regulation and supervision of the installation, use, size, kind and materials of plumbing or plumbing work and mechanical or mechanical work performed, constructed or installed in or on any property in Delaware City, which function also includes the adoption of codes, regulations, permit and inspection requirements and fees, and enforcement provisions/ including subsequent amendments, and all rights and duties thereunder to be applicable to Delaware City; and

WHEREAS, Delaware City has petitioned the County for the transfer of the local service function of property maintenance enforcement, which includes the regulation of minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, which function also includes the adoption of codes, regulations, permit and inspection requirements and fees, and enforcement provisions/ including subsequent amendments, and all rights and duties thereunder to be applicable to Delaware City; and

WHEREAS, the County provision of the services do not have sufficient area-wide benefits that would accrue to Delaware City regardless of provision by the municipality; and

WHEREAS, Delaware City has adequate financial, legal and administrative resources to effectively provide the services; and

WHEREAS, Delaware City has a geographic area of jurisdiction sufficient for efficient services; and

WHEREAS, Delaware City's work programs meet accepted professional standards for the services involved; and

WHEREAS, the transfer of said local service functions will be effective upon the passage and approval of both of this ordinance and a concurring County legislation.

WHEREAS, the Mayor and City Council determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

NOW, THEREFORE, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following:

Section 1. The Mayor and City Council desire to reacquire the responsibility for the local service functions of building inspection and property maintenance enforcement within the boundaries of the City of Delaware City pursuant to 9 *Del. C.* §1102 and *New Castle County Code* Chapter 14, Article 9.

Section 2. All fees collected by the City of Delaware City for the performance of these local service functions shall be retained by the City of Delaware City in compensation for services rendered. No employees, property, facilities, or equipment previously engaged in the performance of these local service functions will be transferred by virtue of this Ordinance.

Section 3. The City of Delaware City acknowledges that the transfer of these local service functions is conditioned upon the submission of a local service function application by the City of Delaware City on or before January1 of each year.

Section 4. **Effective Date.** This Ordinance shall become effective immediately upon adoption of a concurring ordinance by New Castle County and signature of the County Executive or as otherwise provided in *9 Del. C §* 1156.

Section 5. **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.

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 _____.