

*"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. 15-0518-02**

**AN ORDINANCE TO AMEND AND MODIFY DELAWARE CITY  
CODE CHAPTER 8 ENTITLED "STREETS AND SIDEWALKS" TO  
INCLUDE REPLACEMENT REQUIREMENTS FOR SIDEWALKS  
LOCATED IN CERTAIN DESIGNATED AREAS**

**The City of Delaware City**

**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"); and

**WHEREAS**, Section 8-6(a) of the Code currently provides, among other things, that property owners are required to keep sidewalks immediately abutting their property in a safe and clean condition and in good order and repair; and

**WHEREAS**, the Mayor and City Council have determined that, in the future, all sidewalks located in the commercial zoning district (C-1) on Clinton Street between its intersections with Front and Harbor Streets ("Designated Area") shall be of uniform appearance and constructed from the same materials; and

**WHEREAS**, the Mayor and City Council believe amending Section 8-6 of the Code as set forth below will facilitate and insure sidewalks in the Designated Area are replaced on a going forward basis with sidewalks that are identical or substantially similar to the brick sidewalks that currently exist in the Designated Area in terms of both material and pattern; and

**WHEREAS**, pursuant to Article V, Section 5-02(B) of the Charter, the ordinance was introduced by a member of Council at a regular meeting, duly read in full or in abstract, prominently posted for ten (10) days in The City of Delaware City.

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

**Section 1.** Chapter 8, Article II, Section 8-6, of the Code, upon an affirmative vote of the City Council, is hereby modified by adding new subsections (i) and (ii) to Section 8-6(a) which shall read as follows:

- (i) All sidewalks located on Clinton Street, between its intersections with Front and Harbor Streets, and located within the C-1 commercial zoning district, shall be of uniform appearance and construction. All sidewalks in this area shall be installed and constructed with materials consistent with and in an identical pattern to existing sidewalks (as of 2015) on the south side of Clinton Street adjacent to Battery Park, unless otherwise approved by the City Manager.
- (ii) Concrete or otherwise non-conforming sidewalks shall be permitted to remain in place unless and until such time as they are deemed no longer safe or no longer in good order and repair at which time they shall be replaced in conformity with subsection (i) above.

**Section 2.** **Inconsistent Ordinances and Resolutions Repealed.** 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 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 one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the City Council's intent.

**Section 4.** **Effective Date.** This Ordinance shall become effective immediately upon adoption by majority vote of City Council.

**(SIGNATURE PAGE FOLLOWS)**

ADOPTED BY THE MAYOR AND COUNCIL, this 15<sup>th</sup> day of June, 2015.

ATTEST:

  
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City Secretary

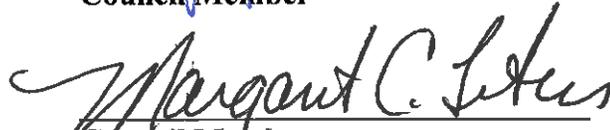
  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Council Member

  
\_\_\_\_\_  
City Solicitor

  
\_\_\_\_\_  
Council Member

  
\_\_\_\_\_  
Council Member

  
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Council Member

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Council Member

First Reading on 5/18/15,

Second Reading, Public Hearing, and Final Passage on 6/15/15.