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 January 1 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 17th day of October, 2016.

ATTEST:

City Secretary

Mayor

APPROVED AS TO FORM:

City Solicitor

Council Member

Council Member

Council Member

Council Member

Council Member

First Reading on 9/19/16.

Second Reading, Public Hearing, and Final Passage on 10/7/16.