

*“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. 17-0619-01**

**ORDINANCE TO AMEND THE CITY OF DELAWARE CITY CODE CHAPTER 46  
RELATING TO PRELIMINARY SUBDIVISION PLAN APPLICATION FEES**

**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 City of Delaware City (“City”) has conducted an analysis of fees it charges and expenses it incurs in connection with preliminary major and minor subdivision plan approval applications;

**WHEREAS**, the City has determined that the current fees charged for preliminary major and minor subdivision plan approval applications are not proportionate to the related expenses incurred by the City;

**WHEREAS**, the Mayor and City Council desire to amend Chapter 46, Section 46-147 of the Code to change the preliminary major and minor subdivision plan approval application fee amounts so that they are commensurate with the associated expenses;

**WHEREAS**, the Mayor and City Council believe that amending the preliminary major and minor subdivision plan approval application fee amounts is in the best interest of the City;

**NOW, THEREFORE**, making the express finding that the below changes to the schedule of fees enhance the health, safety, and welfare of the City, the Mayor and City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1.** Amend Chapter 46, Section 46-147 (Schedule of Fees) of the Code by adding the underlined text and deleting the strikethrough text identified below:

**Section 46-147 Schedule of Fees**

[...]

Payable to the City of Delaware City

<u>Fee Type</u>	<u>Fee</u>
[...]	[...]
Preliminary Major Subdivision Plan Application	<u>\$3,000 flat fee, plus \$50</u> <del>\$250</del> per lot, plus outside technical or engineering costs, if any. **
Concept Subdivision Plan Application	\$100
Resubdivision/ <u>Preliminary</u> Minor Subdivision Plan Application	<u>\$500 flat fee, plus \$50</u> <del>\$250</del> per lot, plus outside technical or engineering costs, if any. **
[...]	[...]

**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 \_\_\_\_\_, 2017.**

**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 \_\_\_\_\_.