

Chapter 5
Public Places, Parks & Recreation

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History: Article I was Ordinance 9015 (adopted June 6, 1983), Article II was Ordinance 12001 (effective July 1, 1971), and Article III was Ordinance 4050 (adopted April 27, 1998).

Article I City Parks, Playgrounds and Ballfields

Section 5-1 Hours Closed

City of Delaware City parks, playgrounds and ballfields (hereinafter referred to as “City recreation lands”) will be closed from 10:00 P.M. until 7:00 A.M. daily.

Section 5-2 Temporary Closing

Any City recreational lands maybe temporarily closed by the Mayor and Council or City manager when it is deemed necessary to be in the best interests of public safety.

Section 5-3 Motor Vehicles on Recreation Lands

No person shall ride or drive or operate any motorized vehicle upon any of the City recreational lands, except where designated.

Section 5-4 Alcoholic Beverages and Drugs Prohibited

Alcoholic liquors, beverages and any kind of narcotic drugs are prohibited on any City recreational lands, except as permitted by Chapter 25 of The City of Delaware City Code.

Section 5-5 Destruction of or Dumping on Recreational Lands Prohibited

No person shall cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf or any building, fence, bridge, sign, playground equipment or other structure; nor dump rubbish or other material on any City recreational lands.

Section 5-6 Written Permission Required for Entertainment, Demonstration or Exhibit on Recreational Lands

No entertainment, demonstration or exhibition shall be given on any City recreational lands except by written permission of the Mayor and Council or the City Manager.

Section 5-7 Fine for Violation

Any person or persons found in violation of this Article shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. Each violation shall be a separate offense.

Sections 5-8 to 5-15 Reserved

Article II Local Service Function**Section 5-16 Exercise of Recreation Local Service Function**

The Mayor and Council of Delaware City hereby agree to exercise recreation local service function pursuant to 9 Delaware Code, 1102.

Section 5-17 Date of Implementation

For purpose of 9 Delaware Code, 1102, the City of Delaware City shall be considered to be performing said local service function as of July 1, 1971 provided that New Castle County adopts an Ordinance having an effect similar to this Article, and the City of Delaware City shall otherwise qualify for such local service function under the provisions of 9 Delaware Code, Chapter XI, prior to July 1, 1970.

Sections 5-18 to 5-20 Reserved

Article III Sale of Surplus Real Property

Section 5-21 Prohibit Sale of Real Property Except as Specified in this Article

No real property owned by the City of Delaware City shall hereafter be sold as surplus real property except in conformity with the provisions of this Article.

Section 5-22 Identification of Surplus Property

The City Manager shall from time to time make an inventory of the real property owned by the City and advise the Mayor and Council of real property that has little or no value to the City either currently or in the reasonably foreseeable future. The City Manager may then make a recommendation to the Council to declare this property to be surplus and shall advise the Council on the disposition of said surplus real property.

Section 5-23 Procedure for Sale of Surplus Property

a.) Property approved for disposition. Council may, by resolution, declare property to be surplus and may authorize the sale of such property with or without restrictions or conditions. Such resolution may include recommendations by the Mayor, the City Manager, the Planning Commission, the Board of Health, and the Historic Preservation Commission.

b.) Preparation for sale. In preparation for the sale of such surplus real property, the City may have the surplus property surveyed and appraised, and may apply for zoning changes or variances, if necessary to market the surplus property at its most favorable price.

c.) Request for proposals and/or notice for auction. The City Manager shall cause public notice of the sale to be given by publication at least once a week for two consecutive weeks in a newspaper having general circulation in the City and shall make available all pertinent information to persons interested in submitting a bid or attending the auction on the surplus property. Said public notices shall be sent to all adjacent property owners.

d.) Terms of financing. Council may authorize terms of financing in connection with any sale, which terms of financing shall be set forth in the information given to persons interested in submitting a bid and advertised.

e.) Contents of notice. The notice shall identify the property, shall include the tax parcel number, if available, shall state the time, date, and place of bids to be opened and/or the date, time, and place of the auction, shall specify any minimum bids, and shall specify the conditions or restrictions on future use imposed by the City.

f.) Opening of bids/auction announcement. The City Manager shall open all bids at the time, date and place specified. Bids may be submitted up to the time specified for the opening of bids. In case of an auction, the winning bid shall be announced at the conclusion of the auction.

g.) Approval of bids or auction result. The bids, together with the recommendation of the Mayor and the City Manager, shall be submitted to Council, which, by resolution may approve the bid of the best bidder, considering all factors, including, but not limited to, the purchase price. The Council shall have the right to reject any and all bids. In the case of an auction, the City Manager shall recommend to the Council whether the winning bid should be accepted. The City Council, by resolution, shall accept or reject the auction bid at its next regularly scheduled or special meeting.¹

h.) Documents for disposition. Upon approval of the resolution by the Council accepting the bid, the Mayor and the City Secretary shall execute all documents necessary for the transfer of title to the surplus property.

i.) Alternate disposition of surplus property. If no bid is accepted, the Council may, by resolution:

1.) Engage the services of a private person or firm authorized by law to sell real estate to act as agent for the City in selling the property. Such person or firm shall receive a commission not to exceed six percent (6%) of the sale price; provided, however, that any such sale price and terms of disposition must be approved by resolution of the Council, or;

2.) Dispose of the real property by other means.

Section 5-24 Preference of Sale to Contiguous Landowners

a.) For purposes of this Article, “contiguous landowner(s)” shall mean the owner(s) of real property sharing a common property line with the subject surplus property.

b.) Whenever Council determines that the contiguous landowners of a specific surplus parcel shall be given preference in the purchase of any surplus real property, the procedures outlines in Section 5-23 c through i hereof, inclusive, shall not be applied and instead the following alternative procedure for the sale of surplus real property shall be substituted:

1.) Minimum bid. The Council shall determine an appropriate minimum bid for said surplus property.

¹ Section 5-23 parts of c) e) f) g) adding “Auction”, Adopted by Ordinance 12-1015-02 on October 24, 2012

2.) Notice. The City Manager shall notify the owner or owners of any real property contiguous to the surplus property, in writing, mailed to the address of the owner or owners as set forth in the City tax records of the City's intent to dispose of the contiguous surplus property. Such notice shall advise the owner or owners of the minimum bid, any and all restrictions and/or conditions of the bid and sale of said surplus property, and shall also state the time, date and place that bids will be opened.

3.) Opening and approval of bids. The City Manager shall open the bids at the time, date and place specified; and all bids, together with the recommendations of the Mayor and Planning Commission, if any, shall be submitted to Council which, by resolution, may approve the bid of the best bidder. The Council shall have the right to reject any and all bids.

4.) Documents for disposition. Upon receipt of the resolution of the Council approving the accepted bid, the Mayor and the City Secretary shall execute all documents necessary for the transfer of title to said surplus property.

5.) Alternate Disposition. If no bids are received, or if no bid is accepted, the Council may, by resolution, direct that the property be disposed of through the property disposition procedures outline in Section 5-23 a through i inclusive.

Section 5-25 Waiver of Sale Procedures

The Mayor and Council may waive the foregoing method of disposing of real property under the following circumstances:

- a.) The property contains less than ten thousand square (10,000²) feet of land; and
- b.) The value estimated by the Mayor, the City Manager and Council is less than ten thousand dollars (\$10,000.00); or
- c.) The property is sold at no less than the appraised value to a person or entity for charitable or other purposes in the public interest.

If Council decides to waive the sales procedures set forth in Sections 5-23 and 5-24 above, it shall do so by resolution and only after a determination that the interests of the public are best served by waiver of said sales procedures. If the sales procedures are waived, the property may be sold under terms and conditions approved by Council with or without appraisal of said lands.

Section 5-26 Expenses of Sales

Expenses incurred by the City in disposition of any surplus property pursuant to the provision of this Article, shall be paid out of the sales price or other proceeds derived from disposition of the respective properties.

Section 5-27 Disposition of Proceeds From Sales

All moneys received from sales under this Article shall be turned over to the City Treasurer for use by the City.

Sections 5-28 to 5-30 Reserved