

*"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. 12-0716-03**

**ORDINANCE MODIFYING FEES FOR INITIATING CONSTRUCTION  
WITHOUT A BUILDING PERMIT**

**Chapter XVI– Section 46-146**

**Of The City of Delaware City Code**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter (the “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 (the “City Council”) possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code; and

**WHEREAS**, the City Council desires to amend the Code of the City of Delaware City to require a doubling of the permit costs when construction is done without a building permit.

**WHEREAS**, pursuant to Article V, Section 5-02(B) of the Charter, the Proposed Code Sections were introduced by a member of Council at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

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

**Section 1.** Chapter 46, Article XVI, Section 46-146, upon an affirmative vote of the City Council, is hereby amended by adding the underlined language, and shall read as follows:

The Mayor and City Council shall establish a schedule of fees, charges and expenses and a collection procedure for appeals and other matters pertaining to this Chapter. The schedule of fees listed below shall be posted in the City Hall, and may be altered or amended by the Mayor and City Council by Resolution.

Delaware City building permit fees established by the Mayor and Council shall be doubled if a building permit is not acquired prior to the start of any construction.

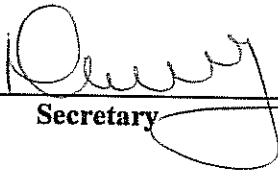
**Section 2. Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

**Section 4. 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.

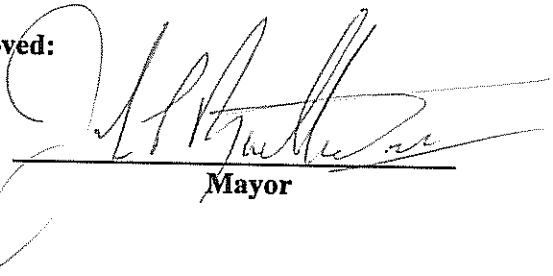
**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its adoption by a majority vote of the City Council.

(Signature page follows)

**Attest:**

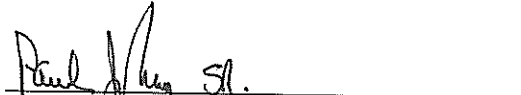
  
\_\_\_\_\_  
**Secretary**

**Approved:**

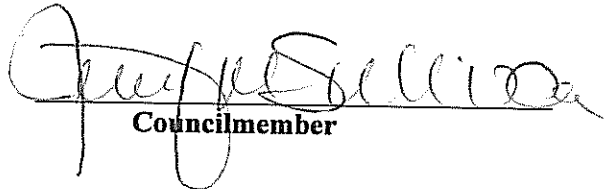
  
\_\_\_\_\_  
**Mayor**

**Approved:**

  
\_\_\_\_\_  
**Councilmember**


  
\_\_\_\_\_  
**Councilmember**

  
\_\_\_\_\_  
**Councilmember**

  
\_\_\_\_\_  
**Councilmember**

\_\_\_\_\_  
**Councilmember**

**Approved as to form:**

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

**First Reading:** July 16, 2012

**Second Reading and Adoption:**