

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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Delaware City, Delaware 19706
302-834-4573

**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE**
Substitute Amendment No. 1 to Ordinance No. 15-0420-01

**OMNIBUS ORDINANCE TO AMEND CITY CODE SECTIONS 46-4 AND 46-147
FOR THE PURPOSE OF CORRECTING AN OMISSION OF DISTRICTS
AND AMENDING THE MUNICIPAL FEE SCHEDULE TO INCLUDE
DETAILED BUILDING FEES AND FEES FOR VIOLATION
OF PROPERTY MAINTENANCE CODE**

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");

WHEREAS, on March 4, 2015, Mayor and City Council adopted Ordinance 14-0915-02, pursuant to which certain amendments to Code Section 46-4 were made;

WHEREAS, the amendments to Code Section 46-4 inadvertently failed to include two zoning districts; specifically, C-1M (commercial marine) and C-1L (commercial low impact);

WHEREAS, Mayor and City Council desire to amend Code Section 46-4 to correct this inaccuracy and to reflect the existence of the C-1M and C-1L zoning districts;

WHEREAS, the Mayor and City Council also desire to amend Code Section 46-147 to include a more detailed list of fees that may be charged in connection under the building, subdivision, floodplain and/or other building-related provisions of the Code;

WHEREAS, certain violations of Chapter 52 of the Code, entitled “Property Maintenance” are subject to municipal fees set forth in Code Section 46-147; however, Code Section 46-147 does not contain any fees associated with violations of Chapter 52 of the Code.

WHEREAS, the Mayor and City Council desire to amend Code Section 46-147 to include fees related to the violation of certain provisions of Chapter 52 of the Code.

WHEREAS, in addition to the notice provided above, under Article V, Section 5-02(B) of the Charter, the Proposed Code Sections were introduced 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, making the express finding that the amendments outlined herein are for and enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1 – Amend Section 46-4 of the City Code of the City of Delaware City by deleting the word “ten” in the first sentence and replacing it with the word “twelve” and by adding “C-1M District (commercial marine)” and “C-1L District (commercial low impact)” Commercial Marine” at the end of list of enumerated zoning districts.

Section 2 – Amend Section 46-147 of the City Code of Delaware City, entitled “Schedule of Fees”, to make the following deletions (as indicated in strike-through), additions (as indicated in bold):

<u>Fee Type</u>	<u>Fee</u>
Property Maintenance Code Appeal	\$100
Property Maintenance Code Show Cause Hearing	\$100
Violations of Property Maintenance Code (including, but not limited to, Sections 302.4, 302.7, 302.8.3, Property Maintenance Code (including, but not limited to, Sections 302.4, 302.7, 302.8.3, 302.8.4, 302.8.6, 302.10, 302.12, and 303.1)	<p>There is no fee charged in violation is remedied within 5 business days of first notice of violation.</p> <p>Failure to remedy violation within 5 business days of first notice = \$50.00</p> <p>Failure to remedy violation within 5 business days of second notice = \$50.00</p> <p>Failure to remedy violation within 5 business days of third and final notice = \$500.00 plus \$50.00 per day for each day that violation continues.</p>
Violation by Nuisance Property	\$500
Application for New Construction Building Permit for Residential Use (R-1, R-2, R-3 or R-MM)	The greater of (a) \$100 or (b) \$50.00 plus \$0.35 per sq. ft. (based on GFA)* 3% of anticipated costs of construction
Application for Building Permit for residential addition, alteration and structural repair for Residential Use (R-1, R-2, R-3 or R-MM)	The greater of (a) \$100 or (b) 2.5% of anticipated costs of construction
Application for Building Permit for utility and other miscellaneous work (decks, sheds, swimming pools, garages, retaining walls, etc.) for Residential Use (R-1, R-2, R-3 or R-MM)	The greater of (a) \$100 or (b) 2.5% of anticipated costs of construction
Application for New Construction Building Permit for Commercial Use (C-1, C-2, C-1M, C-1L, M-1, HPR)	The greater of \$200 or (b) \$85 plus \$0.45 per sq. ft. (based on GFA)*
Application for Building Permit for Commercial Use (C-1, C-2, C-1M, C-1L, M-1, HPR) for alterations and repairs which does not increase square footage and/or area	First \$1,000 of construction costs = \$150; Each additional \$1,000 or fraction thereof of construction costs= \$30.00
Electrical Permits (Minimum Permit Fee)	The greater of \$75.00 or (b) the aggregate amount of electrical permit items as itemized below (i.e., rough

	wiring, final wiring, etc.)
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Electrical Permits (Service and Feeders)	200 AMP or less...\$45.00 201 AMP to 400 AMP...\$60.00 Over 400 AMP ...\$15.00 per 100 AMP Sub-feeders or Sub-panels ...1/4 of above fees Over 600 volts . . . double above fees
Electrical Permits (Rough Wire)	1 to 25 switches receptacles and lighting outlets) . . . \$25.00 Each additional 10 . . . \$10.00
Electrical Permits (Finished Wiring)	1 to 25 switches receptacles and lighting outlets) . . . \$25.00 Each additional 10 . . . \$10.00
Electrical Permits (Heating, Cooling, Cooking, Appliances, Equipment Motors, Generators, Transformers, Capacitors, Etc.)	Less than 1/3 hp, kw, kva . . . see Electrical Permits (Finished Wiring above) Over 1/3 hp, kw, kva: 1/3 to 1.0 \$12.00 1.1 to 5.0 \$15.00 5.1 to 10.0 \$20.00 10.1 to 30.0 \$25.00 30.1 to 50.0 \$30.00 50.1 to 100.0 . . . \$35.00 Over 100 . . . \$1.00 per hp, kv, kva Over 600 volts . . . double above fees
Electrical Permits (Signaling, Communication and Alarm Systems)	1 to 10 devices . . . \$40.00 Each additional device . . . \$2.00
Demolition Permit (addition, deck, porch)	\$50
Demolition Permit	\$150
Sign Permit	Greater of \$100.00 or \$5.00 sq. ft. of size of sign
Trailer (Mobile Home, Construction, etc.) Placement	\$100
Construction Dumpster	\$50.00
Temporary Storage Units (i.e., Pods)	\$25.00 for 30-day permit
Reinspection Fee	\$100
Dimensional Variance for existing residential structure	\$350

Rezoning Application	\$500
Special Exception	\$350
Special Use Permit	\$35
Water Impact Fee	\$750 per dwelling unit
Water connection/hook-up fee	Fee charged by administrator (pass through)
Floodplain Review	\$300 plus outside technical or engineering costs, if any.**
Floodplain Certificate Application	\$500 plus outside technical or engineering costs, if any.**
Floodplain Appeal	\$500 plus outside technical or engineering costs, if any.**
Floodplain Inspection (required or requested by Owner)	\$50
Floodplain Reinspection	\$50
Certificate of Occupancy	\$200
Floodplain Map Interpretation	\$100
Floodplain Variance Application	\$250
Mechanical Permits	The greater of (a) \$100 or (b) \$50 for the first \$1,000.00 or fraction thereof of installation costs and \$20.00 for each additional \$1,000.00 or fraction thereof of installation costs.
Plumbing Permits	The greater of (a) \$100 or (b) \$50 for the first \$1,000.00 or fraction thereof of installation costs and \$20.00 for each additional \$1,000.00 or fraction thereof of installation costs.
Preliminary Major Subdivision Plan Application	\$250 per lot, plus outside technical or engineering costs, if any.**
Concept Subdivision Plan Application	\$100
Resubdivision/Minor Subdivision Plan Application	\$250 per lot, plus outside technical or engineering costs, if any.**
Final Subdivision Plan Application	\$500 plus outside technical or engineering costs, if any.
Resubmission of Subdivision Application	\$100
Determination Letter for Zoning or Non-	\$300

Conforming Status	
All other Variances or Appeals	\$500
Other Appeals, Beneficial Use Appeals, Special Hearings or required fees not otherwise specifically enumerated	\$500, plus outside technical or engineering costs, if any, and actual legal, advertising and mailing costs, if any.**

***GFA – Gross Floor Area** defined as the total square footage of all floors within the perimeter of the outside walls, including basements, cellars, garages, roofed patios, breezeways, covered walkways and attics with floor to ceiling height of 6’6” or more.

**** Engineering costs** will be estimated and applicant will be required to pay the estimated engineering costs at the time of application. Such estimated amounts will be held in escrow during the duration of the project and will be drawn down by the City of Delaware City to pay engineering costs as they become due and payable. The City of Delaware City may request the escrow funds to be replenished at any time during the project. Any unused monies in escrow will be returned to applicant upon final completion of the project.


Section 3. 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 City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this 18th day of May, 2015.

ATTEST:



City Secretary



Mayor


APPROVED AS TO FORM:




City Solicitor




Council Member



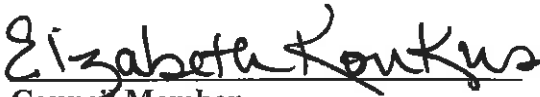
Council Member



Council Member



Council Member



Council Member

First Reading on 4/20/15,

Second Reading, Public Hearing, and Final Passage on 5/18/15.