

"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
Ordinance No. 17-0123-01**

**ORDINANCE TO AMEND AND MODIFY THE CITY DELAWARE CITY CODE
CHAPTER 53**

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 Mayor and City Council desire to amend Chapter 53 by adding and deleting language (the "Amendments");

WHEREAS, under Article V, Section 5-02(B) of the Charter, the Amendments were introduced at a regular meeting, duly read in full or in abstract, and prominently posted for ten (10) days in The City of Delaware City.

NOW, THEREFORE, making the express finding that the changes to the Code is necessary to 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 Chapter 53, Section 53-7F of the City Code of Delaware City by adding the underlined text identified below:

F. ~~Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this Article. Application for the construction of new buildings shall be accompanied by an accurate survey prepared by a licensed engineer or land surveyor.~~ A Lines and Grades Plan shall be prepared by a Delaware registered professional engineer or professional land surveyor for any building permits involving more than 1,000 square feet of earth disturbance. The requirements of the Lines and Grades Plan shall be determined by the City Manager, and may be amended from time to time.

Section 2. Amend Chapter 53, Section 53-17B of the City Code of Delaware City by adding the underlined text and deleting the strikethrough text identified below:

B. As-builts.

1. ~~All single family detached and semidetached dwelling units shall submit a final grade as built, signed and sealed by a~~ For any building permit that required a Lines and Grades Plan, a Lines and Grades As-Built Plan shall be prepared by a Delaware registered professional engineer or professional land surveyor, and shall be approved by the Building Code Inspector ~~the department supervisor~~ prior to the issuance of a certificate of occupancy. The intent of the ~~as-built~~ Lines and Grades As-Built Plan is to certify that the lot has been graded in accordance with the approved ~~grading plan~~ Lines and Grades Plan for the lot. The requirement of the Lines and Grades As-Built Plan shall be determined by the City Manager, and may be amended from time to time.

2. If for any reason the ~~as-built~~ Lines and Grades As-Built Plan indicates that the final grade does not meet the approved ~~grading plan~~ As-Built Plan, the Building Code Inspector shall have the authority to decide whether to withhold the certificate of occupancy until the required corrections are made, or allow the issuance of the certificate of occupancy contingent upon the required corrections being made in a time frame determined by the department supervisor. A revised final Lines and Grades As-Built Plan ~~as-built~~ shall be submitted to the ~~department supervisor~~ Building Code Inspector upon completion of the corrections.

3. Notwithstanding the forgoing, Townhouse units shall submit ~~the a final grade as-built~~ Lines and Grades As-Built Plan for the side and rear yards prior to the issuance of the certificate of occupancy for the first dwelling unit in the group. Front yards for townhouse units shall be excluded from the as-built requirement to allow for the construction of improvements including, but not limited to, driveways, steps, porches and sidewalks.

4. ~~A winter yard grading letter will be accepted by the Building Code Inspector for the period of December 15 through May 15 of the following year. The letter shall state that all~~

~~disturbed areas have been straw and tacked to receive the certificate of occupancy. After May 15, an as-built, signed and sealed by a Delaware registered professional engineer or professional land surveyor, shall be submitted to the department supervisor no later than June 15 of the same year for review. Failure by the builder to submit an as-built by June 15 will result in further action by the department supervisor, including, but not limited to, the suspension of inspections until the builder has completed and submitted an approved as-built.~~

4. Prior to the approval of a foundation inspection, a Foundation As-Built Plan shall be submitted to the Building Code Inspector. The requirements of a Foundation As-Built Plan shall be determined by the City Manager, and may be amended from time to time.

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.

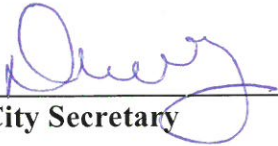
Section 4. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions 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.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this 27th day of February, 2017.

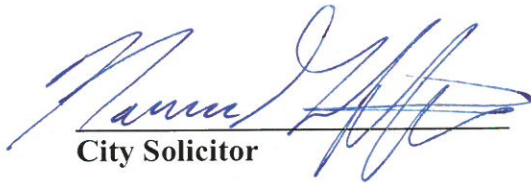
ATTEST:




City Secretary

Mayor

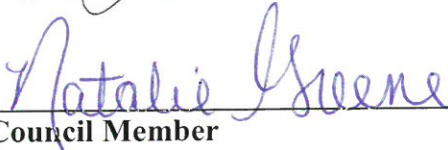
APPROVED AS TO FORM:



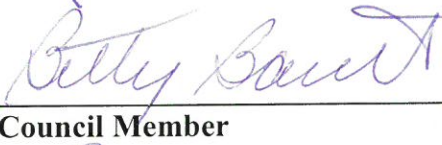
City Solicitor



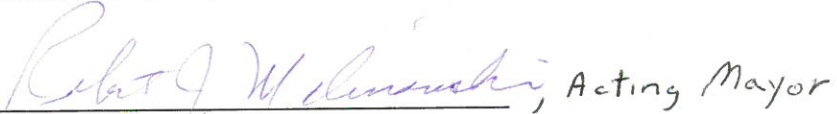
Council Member



Council Member



Council Member



Council Member

Council Member

First Reading on 1/23/17.

Second Reading, Public Hearing, and Final Passage on 2/27/17.