

ORDINANCE NO. 14-02

AN ORDINANCE RELATING TO DENIALS OF PERMITS AND APPROVALS

THE COUNCIL OF THE TOWN OF FREDERICA HEREBY ORDAINS:

Section 1. That §292-1 of the Frederica Code of Ordinances shall be amended by striking the existing section and inserting in lieu thereof the following:

(a) *Eligibility to receive town utilities or services.* No person, artificial entity, or owner of a $\frac{1}{4}$ or greater interest in that artificial entity shall be eligible to receive any town services, utilities, permits, licenses, or approvals if that person, artificial entity, or owner of a one-quarter or greater interest in that artificial entity owes outstanding payments to the town; or if that person, artificial entity, or the owner of a $\frac{1}{4}$ or greater interest in that artificial entity is responsible for documented violations of the any Town ordinance that have remained unresolved for more than 45 days. If the party, artificial entity, or owner of a $\frac{1}{4}$ or greater interest in that artificial entity requesting city approval is current on some but not all obligations owed to the city, the request shall be denied until such time as the person, artificial entity, or owner of a one-half or greater interest in that artificial entity is current and in compliance with all city obligations.

(b) *Obligations which must be current.* Applicants for city services, utilities, permits, licenses, or approvals shall be current on all of the following obligations to the city, including interest, penalties, court costs, and/or attorney's fees, if applicable, prior to receiving such approvals:

- (1) Property taxes.
- (2) Applicable Delaware realty transfer taxes.
- (3) Water connection/disconnection, front footage and/or usage charges.
- (4) Trash fees.
- (5) Application fees.

(6) Permit fees, including building permits, building code and inspection/reinspection fees and landlord license fees.

(7) Vacant building fees.

(8) Inspection fees.

(9) Charges for the costs of razing or demolition of buildings done through public expenditure.

(10) Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure.

(11) Assessments for the installation of sewer lines, water mains, sidewalks, and curbing.

(12) Charges for the costs of removing weeds, grasses, refuse, rubbish, trash, or other waste material done through public expenditure.

(13) Miscellaneous charges.

(c) Responsibility of town personnel.

(1) The administrative agency to which a request has been submitted shall have the responsibility to make a reasonable effort to determine whether there are outstanding payments or outstanding documented violations of the any Town ordinance.

(2) The appropriate administrative agency shall notify an applicant that the request cannot be processed because of an outstanding payment or an outstanding documented violation. Said notice shall be in writing and shall be sent within ten working days of receipt of the request.

(d) *Exception.* Notwithstanding the provisions of this section, the building inspector, with the concurrence of the mayor, may issue permits and approvals for work that is necessary to correct violations associated with buildings condemned pursuant to the International Property Maintenance Code.

(e) Any applicant for any town services, utilities, permits, licenses, or approvals that is an artificial entity shall be required to identify all persons or entities that own a ten percent (10%) or greater interest in the entity.

Section 2. That §292-2 of the Frederica Code of Ordinances shall be amended by striking the existing section and inserting in lieu thereof the following:

Appeal to mayor and council. Any applicant, person, corporation, or other entity or any owner or member of that corporation or other entity requesting such municipal services, utilities, permits, licenses, or approvals who receives the aforesaid written denial may appeal that denial to the mayor and council within 20 calendar days of such denial. The mayor and council shall thereafter hold a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

Section 3. Severability. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional or violate the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 4 Effective Date. This ordinance shall become effective thirty days after adoption.

SYNOPSIS

This ordinance permits the town to deny services, utilities, permits, licenses, or approvals to individuals, entities and the owners of interests in entities under certain circumstances.

Repealer: All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Date of Effect: The Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force thirty days from and after its approval by Council.

ORDAINED AND ENACTED INTO THE LAW by a majority vote of the Council Members present at a regular session of Frederica Town Council, Delaware on the 1st day of October, A.D. 2014.

First Reading: Sept. 3, 2014

Public Hearing and Second Reading: October 1, 2014

Published: _____

William C. Glanden

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Mayor

I do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on Oct. 1, 2014 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

Janet White
Clerk