

The Mayor and Council of the Town of Townsend

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Introduced by: Councilwoman Lorraine Gorman
Introduced on: March 22, 2017

ORDINANCE NO. 17-01

AN ACT TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF TOWNSEND CONCERNING THE GENERAL PROVISIONS ON ENFORCEMENT OF OBLIGATIONS TO THE TOWN OF TOWNSEND

**Mayor
Rudy Sutton**

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF TOWNSEND (a majority of the members elected thereto concurring therein):

**Councilman
John Ness**

Section 1. Amend Chapter 1, Section 1, of the Code of Ordinances, Town of Townsend, Delaware by adding thereto a new sub-section, to read as follows:

**Councilwoman
Lorraine Gorman**

“Sec. 1-15. Clean Hands.

**Councilman
Jermaine Hatton**

To require Town residents, business owners and property owners to be current in the payment of taxes and other Town obligations as a condition precedent to making application for and receiving Town approvals, services, permits and/or licenses.

**Councilwoman
Cindy Cook**

(a) *Eligibility to receive town services.* No resident, property owner, contractor, business owner, or tenant shall be eligible to receive any town approvals, services, permits, or licenses if that resident, property owner, contractor, business owner, or tenant owes outstanding payments to the town; or if that resident, property owner, contractor, business owner, or tenant is responsible for documented violations of the Townsend Code of Ordinances that have remained unresolved. If the resident, property owner, contractor, business owner, or tenant requesting Town approval is current on some but not all obligations owed to the Town, the request shall be denied until such time as the resident, property owner, contractor, business owner, or tenant is current and in compliance with all Town obligations.

**Town Manager
Dawson Green**

(b) *Obligations which must be current.* Applicants for Town approvals, services, permits and/or licenses shall be current on all the following obligations to the Town, prior to receiving such approvals:

(1) Property Taxes

- (2) Applicable Delaware realty transfer taxes
 - (3) Trash payments and fees
 - (4) Application Fees
 - (5) Permit fees associated with the following; building permits, plan reviews and inspections/re-inspections.
 - (6) Costs associated with any/all documented Town Code Violations which the Town had to correct through public expenditures; including but not limited to: removal of weeds, grasses, refuse, rubbish, trash, waste and/or hazardous materials.
 - (7) Miscellaneous charges and fees
 - (8) Interest, penalties, fines, court costs and attorney's fees associated with any of the above listed obligations, if applicable.
 - (9) Fees and penalties "unresolved code violations on any property within town limits that is owned, leased, rented or under the control of the applicant, property owner, tenant or lease holder of said property. Unresolved code violations include, but are not limited to: Property Maintenance Code Violations, Open/Incomplete permits, unapproved inspections, etc."

(c) *Enforcement.* The Town of Townsend, before approving an applicant's request for any Town services, permits and/or licenses shall have the responsibility to determine if the applicant and/or owner of the parcel(s) affiliated with the application is delinquent on any Town obligations outlined in *Section 1-15(b) Obligations Which Must Be Current*. Upon the discovery of any outstanding obligations, the Town shall notify the applicant that the request cannot be processed until the outstanding obligation is satisfied in full. Within ten (10) calendar days from receipt date of the applicant's submittal, the Town Manager shall provide the applicant with the reason for denial in writing.

(d) *Exception.* Notwithstanding the provisions of this section, the building code official, with the concurrence of the Town Manager, may issue permits and approvals for work that is necessary to correct violations associated with Chapter 14, Buildings and Building Regulations, Article V, Dangerous Buildings and/or violations associated with the Town's most current adopted versions of the International Building Code (IBC), International Residential Code (IRC) and International Property Maintenance Code (IPMC).

(e) *Appeals.* Any applicant that has been denied a request for any Town approval, service, permit and/or license may appeal that denial [in writing to the Mayor and Council] within twenty (20) calendar days after receipt of such denial. The Mayor and Council shall thereafter hold a public hearing to offer the applicant an opportunity to provide evidence supporting their appeal.

Section 2. If any provision of this Act, or its application to any person or circumstance is held invalid, the remainder of this Act, or the application of the provision to other persons or circumstances shall remain unaffected.

Section 3. This Act shall become effective upon adoption.

SYNOPSIS

This Act requires applicants wishing to receive Town approvals, services, permits and/or licenses to be current on all obligations to the Town of Townsend prior to receiving approvals of any kind.

Introduction:	March 22, 2017
Publication of Fair Summary:	March 30, 2017
Public Hearing:	April 5, 2017
Final Reading:	April 5, 2017
Adoption:	April 5, 2017

Rudolph Sutton, Jr.
Mayor of Townsend
Town of Townsend, New Castle County, DE