



TITLE #: 9

Ordinance #: 04-22-15-046

Date: April 22, 2015

ORDINANCE
To Adopt an Enforcement of Obligations to the
Town of Cheswold

DESCRIPTION: This Ordinance adopts the enforcement of financial and administrative obligations to the Town of Cheswold, by an person/s seeking to obtain permits, licenses, approvals or any type of services now provided or to be provided in the future by the Town of Cheswold.

This Ordinance shall also be known as the "Clean Hands" Ordinance.

Section 1. PURPOSE

The purpose of the Clean Hands Ordinance is to ensure that all obligations, both financial and administrative, owed to the Town of Cheswold are currently in order prior to any person/s requesting and/or receiving services, utilities, permits, licenses, acceptance of applications or approvals.

Section 2. AUTHORITY TO ACT

Section 4.2.25 of the Town Charter of the Town of Cheswold provides that the Town Council may provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants and additionally provides in Section 4.2.48 that the Town Council may make, adopt, and establish, alter and amend all such Ordinances, Regulations, Rules and By-Laws, not contrary to the laws of the State and the United States, as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants.....

Section 3. APPLICABILITY

This Ordinance shall apply to any person/s submitting applications or requests of any type to the Town of Cheswold for service, acceptance or approval.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms and words shall have the following meaning/s, unless the context clearly indicates that a different meaning is intended:

- 4.1. Applications** – means requests of any type to the Town of Cheswold for Town services of any type, not exclusive to any type of utilities, and including permits, variances, plan reviews, administrative appeals and reviews, and any and all types of licenses.
- 4.2. Finance Department** – means that Town of Cheswold employee assigned the responsibility for recording and reporting the financial status of property owners or persons requesting services of any type.
- 4.3. Obligations** – means any and all types of financial debts, fines, or fees owed to the Town of Cheswold.
- 4.4. Person/s** – means an individual, corporation, partnership or any other group acting as a unit, that applies for administrative, municipal or legal services provided by the Town of Cheswold.

Section 5. REVIEW PROCESS OF OBLIGATIONS

Prior to the approval of requests for any type of Town of Cheswold services, utilities, plan reviews, variance, permit or license applications, administrative appeals or approvals, all outstanding payments owed to the Town of Cheswold and/or outstanding violations cited by the Department of Public Works or the Police Department of the Town of Cheswold, shall be paid or resolved in full, as applicable.

Section 6. OBLIGATIONS REQUIRED TO BE CURRENT

Applicants for Town services, utilities, permits, licenses, applications of any type or approvals shall be current on all of the following obligations to the Town of Cheswold, prior to receiving such approvals:

- 6.1.** Property taxes/transfer taxes/fees.
- 6.2.** Water, sewer and electric fees and/or usage charges.
- 6.3.** Trash fees.
- 6.4.** Application fees.
- 6.5.** Permit fees, including building permits, plan review and inspection fees.
- 6.6.** Costs associated with any work performed by Town of Cheswold employees in association with the violation of an Ordinance.
- 6.7.** Interest, penalties, fines, court costs and attorney's fees associated with any of the above listed obligations.
- 6.8.** Documented code violations.
- 6.9.** Miscellaneous charges and fees, including but not exclusive to administrative fees.

Section 7 - ENFORCEMENT

The Town of Cheswold Department responsible for approving an applicant's request for any Town services, utilities, permits, licenses, applications or approvals, shall have the responsibility to determine if the applicant is delinquent on any Town obligations outlined in Section 6.

- 6.1. Upon discovery of any outstanding obligations, Department Supervisor/Manager or designee shall notify the applicant that the request cannot be processed until the outstanding obligation is satisfied in full.
- 6.2. Within ten, (10), calendar days, the Department Supervisor/Manager or designee shall provide the applicant with the reason for the denial in writing.

Section 8 - APPEALS

Appeals for denials as a result of obligations due are free of charge.

- 8.1. Any person, business or entity that has been denied a request for any Town service, utility, permit, license, application or approval may appeal that denial with a request for review to the Mayor and Council of the Town of Cheswold within twenty, (20), calendar days, after receipt of such denial.
- 8.2. All requests for an appeal must be in writing.
- 8.3. The Mayor and Council shall thereafter hold a Public Hearing to offer the applicant an opportunity to provide evidence supporting their appeal.
- 8.4. The Mayor and Council shall not be required to provide a decision at the Public Hearing.
- 8.5. The Mayor and Council shall render a written decision on the appeal within fifteen, (15), days of the Public Hearing.

Section 9 - EFFECTIVE DATE

This Ordinance and the rules, regulations, provisions, requirements, orders, administration, management and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Whereas, the Town Council of the Town of Cheswold, by unanimous vote, at their monthly Town Council meeting, held on Monday, May 4, 2015, directed the Secretary/Treasurer to produce a Resolution for a Public Hearing; and

Whereas, said Resolution #04-21-15-071 was approved for proper posting at the Town Council Workshop, held on Monday, May 18, 2015, at 6:30 p.m., at the Cheswold Town Hall; and

Whereas, the Town Council of the Town of Cheswold, properly posted and held a Public Hearing on June 16, 2015, at 6:00 p.m., in the Cheswold Town Hall, at 691 Main Street, Cheswold, DE 19936, to receive public comment on this Ordinance; and

Whereas, there was not any negative or adverse public comments made against the said Ordinance, at the above mentioned Public Hearing; and

Whereas, the Town Council at their regularly scheduled Town Council meeting, on July 6, 2015, held at 6:30 p.m., in the Cheswold Town Hall, at 691 Main Street, Cheswold, DE 19936, voted unanimously to approve this Ordinance; and

Now Therefore Be It Resolved, that the Town Council of the Town of Cheswold hereby authorizes the immediate implementation of this Ordinance # 04-22-15-046.

I, Donald F. Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by an affirmative majority vote of Town Council members of the Town of Cheswold, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: Donald F. Tinari
Mayor

Date: July 6, 2015

ATTEST: Theon E. Callender
Secretary/Treasurer

Date: July 6, 2015

Agreed: Bob W. S.
Vice-Mayor

Date: July 6, 2015

Agreed: Sherry Lamberton
Councilperson

Date: July 6, 2015

Agreed: Position Vacant
Councilperson

Date: July 6, 2015

Agreed: Position Vacant
Councilperson

Date: July 6, 2015

NOTARIZED: [Signature]
Town Clerk

Date: July 6, 2015

Sponsored by: Town Administrator Theon E. Callender