



**Ordinance No.:** 07-20-2010-007

**Date:** 09/13/2010

**AN ORDINANCE OF THE TOWN OF CHESWOLD TOWN COUNCIL  
ESTABLISHING BUILDING PERMITS WITHIN THE TOWN OF CHESWOLD**

Be it ordained by the Mayor and Council of the Town of Cheswold that the following Ordinance establishing business and rental licenses and building permits within the Town of Cheswold shall be enacted and in accordance with the provisions of the Charter, Section 4.2.38 through 4.2.42 and other pertinent provisions of the Charter as follows:

**Whereas**, the Town Council finds that although structural improvements to existing properties and the building of new residential and/or commercial buildings serve as an asset and provide a visual enhancement to the overall concept of the Town, that if not built safely, timely, and without hazard to the general public, they may provide an overall negative presentation of the Town; and

**Whereas**, the Land Use Ordinance of the Town provides the specific requirements to encourage the most appropriate uses of land, this Ordinance provides the specific details, forms, fees and requirements for obtaining a Building Permit within the corporate limits of the Town of Cheswold.

It is not intended that this Ordinance repeal, abrogate, annul or in any way impair or interfere with existing provisions of other sections of the Charter, Codes or Ordinances of the Town of Cheswold. Where this Ordinance imposes a greater restriction upon persons, premises or personal property than is imposed or required by the Charter of the Town of Cheswold, the restrictions imposed by this Ordinance shall control.

**SECTION 1 – COMPLIANCE**

It shall be unlawful for any person, either directly or indirectly to conduct any type of structure, either attached or free standing structure without first obtaining the required Town of Cheswold Business License and then the Town of Cheswold Building Permit, associated to the requested structure type on the associated license, either for residential property or new construction, as applicable.

The permits must be kept current at all times and available for inspection as requested by the Code Enforcement Officer, Mayor, or the assigned employee of the Public Works Department, the Mayor and/or the designee appointed by the Town Council.

**SECTION 2 – PERMIT TYPES**

There are two Building Permit types applicable to this Ordinance; they are Existing Residential and New Construction.

**a) Existing Residential**

These permits are issued for any exterior home improvement structures.

Improvements inside a residential structure do not require a Building Permit **unless the improvement or repair is electrical or plumbing**. These contractors will be required to obtain a Town of Cheswold Business License and the homeowner is required to obtain a Building Permit. It is the responsibility of the Town to ensure the safety and welfare of its residents, and these types of permits and licensing require State inspections at the completion of the task to ensure the work has been done safely.

The majority of permits issued to homeowners are for improvements to their exterior landscape by attaching some type of improved fixture to the existing structure – such as;

- o Fence
- o Shed
- o Deck
- o Pool

The forms associated with obtaining an Existing Residential Building Permit are:

1. *Building Permit Application Requirements – Existing Residential PW 09-13-2010-003*
2. *Building Permit Fee Application – Existing Residential PW 09-13-2010-004*
3. *Building Permit Fee Schedule – Existing Residential PW 09-13-2010-005*

**b) New Construction**

These permits are typically issued to Construction Contractors for new development communities. However, they also apply for any individual residential property owner desiring to build a new home.

The forms associated with obtaining a Building Permit for New Construction would include Business Licenses for all Contractor's; Sub-Contractor's and Real Estate Owner's as well as:

1. *Building Permit Fee Application Requirements–New Construction PW 09-13-2010-006*
2. *Building Permit Fee Application – New Construction PW 09-13-2010-007*
3. *Building Permit Schedule – New Construction PW 09-13-2010-005*

**SECTION 3 – ADMINISTRATIVE REQUIREMENTS**

The employees of the Public Works Department, the Town and the Secretary/Treasurer must maintain all information furnished or secured under the authority of this Ordinance and assure that it is kept in strict confidence. This information shall not be available to the public under the Freedom of Information Act.

**SECTION 4 – QUALIFICATIONS of ALL APPLICANTS for PERMITS**

**EXISTING RESIDENTIAL:** *PW 09-13-2010-004*

a) The following standards are required to be completed prior to the acquisition of a Building Permit:

1. Complete a Building Permit Application Form

All information shall be printed or typed and be legible to the Town employee accepting the form.

2. Attach a copy of a current Town of Cheswold and State of Delaware Business License and current Insurance Certificate for any Contractor and/or all Sub-Contractors that will be working on the Building Permit project.

3. For:

A. Driveways

B. Fences

C. Gazebos

D. Hot Tubs

E. Placements

F. Pools

G. Side Entrances to Garages

H. Sheds:

i. A surveyor prepared or scaled drawing with the overall dimensions and size of the property

ii. Street and road frontage along with the names of such

iii. Location of any existing and proposed structures with dimensions

iv. Distances from all property lines to the structure

4. For:

A. Awnings

B. Decks

C. Decks w/Ramp and/or Roof

D. Pergolas

E. Porches

F. Ramps

G. Retractable Awnings

H. Roofs on Existing Porches

I. Signs

J. Solar Panels

i. Drawing of the proposed structure to be attached to the residence

ii. Location of any existing structures connected to or affected by the proposed structure

**SECTION 4 – QUALIFICATIONS of ALL APPLICANTS for PERMITS “continued”**

**EXISTING RESIDENTIAL:** *PW 09-13-2010-004*

**5. MISS UTILITY, (1-800-282-8555), must be notified 48 hours before any excavation can begin.**

This requirements is in association with:

- A. Driveways
- B. Fences
- C. Placements
- D. Side Entrances to Garages
- E. Sheds

**b.) NEW CONSTRUCTION:** *PW 09-13-2010-006*

The following standards are required to be completed prior to the acquisition of a Building Permit:

1. Complete a Building Permit Application Form and submit to the Town Clerk  
All information shall be printed or typed and be legible to the Town employee accepting the form.
2. Attach a copy of a current Town of Cheswold and State of Delaware Business License and current Insurance Certificate for any Contractor and/or all Sub-Contractors that will be working on the Building Permit project.
3. If construction will exceed \$25,001, complete and attach a copy of the Building Permit Fee Calculation Schedule – New Construction, (*PW 09-13-2010-008*), to the Town Clerk after the completion of the requirements for New Construction Permit Fees, (*see below*).
4. **New Construction Permit Fees:**  
The dollar amount involved in the new construction project determines the requirements for issuing the associated permit. The dollar values and requirements are as follows:
  - A. **\$10,000 or less**  
Permit request must be submitted to the Department of Public Works for review and approval by the Building Inspector and/or Town Engineer along with plans or drawings as requested. The permit can be issued to the property owner or an authorized agent.
  - B. **\$10,001 to \$25,000**  
Permit request must be submitted to the Department of Public Works for review and approval by the Building Inspector and/or Town Engineer along with plans or drawings as requested. The permit can be issued to a licensed general contractor.

**SECTION 4 – QUALIFICATIONS of ALL APPLICANTS for PERMITS “continued”**

**b.) NEW CONSTRUCTION: PW 09-13-2010-006**

**C. \$25,001 and more**

Permit request must be submitted to the Department of Public Works and the Town Engineer for review, prior to submittal to the Planning Commission. Dependent upon the findings of the Planning Commission, it may be necessary for the architect or professional engineer of the developer to personally submit plans, drawings, and/or plot plans to the Planning Commission, as specified by the Land Use Ordinance of the Town. If such submission is required, the permit will not be issued until the developer/owner satisfies the requirements of the Planning Commission and receives approval from the Town Council.

**5. MISS UTILITY, (1-800-282-8555), must be notified 48 hours before any excavation can begin.**

This requirement is in association with:

- A. Driveways
- B. Fences
- C. Placements
- D. Side Entrances to Garages
- E. Sheds

**SECTION 5 – DETERMINATION of FEES**

Permit fees shall be in the amount stated in this Ordinance per permit type requested.

The fees listed herein may be revised from time to time at the sole discretion of a majority vote of the Town Council of the Town of Cheswold.

*(See Attached Building Permit Fee Schedule-Existing Residential – PW 09-13-2010-005)  
(Building Permit Fee Schedule – New Construction – PW 09-13-2010-008)*

**SECTION 6 – EXPIRATION of PERMIT**

All permits expire 1 year from the date of issuance.

**a.) Extensions**

1. Any work not completed prior to the expiration date of the permit will require an extension of the existing permit to complete the work. Extensions will also require the payment of an additional fee. *(See Building Permit - Violation Fee Schedule PW 09-13-2010-009)*

**b.) Expirations**

1. Any work not completed prior to the expiration date of the date for which an extension was not required will require a new permit to complete the work. New permits will be at the fee cost of the initial permit.

**SECTION 7 – TRANSFER of PERMIT**

There shall be no transfer of any permit for any reason or at any time.

**SECTION 8 – GENERAL STANDARDS of CONDUCT**

Every permit holder under this Ordinance shall:

- a. Comply with all governing laws, Ordinances and Codes of the State of Delaware and the Town of Cheswold.
- b. Avoid all forbidden, improper or other practices or conditions which may or do affect the public health, morals or welfare.
- c. Not operate any business after the expiration of a permit or during the period of suspension or “stop work period” issued against a permit.
- d. Violations will be assessed, if not corrected, within 48 hours of delivery of the violation notice. *(PW 09-13-2010-009)*

**SECTION 9 – DISPLAY of a BUILDING PERMIT**

Every Permit holder under this Ordinance shall post and maintain in a readable condition, the permit upon the licensed premises, in a place where it may be seen at all times. *(PW 09-13-2010-009)*

**SECTION 10 – STOP WORK ORDERS**

The Town Council of the Town of Cheswold will maintain and employ the authority to issue “Stop Work Orders”, in situations that have been inspected by either the Code Enforcement Officer, or Building Inspector, Public Works Director or Police Official of the Town and has been deemed to be in violation of the rules, regulations, Codes, Ordinances or the Charter of the Town, and said violator may be subject to a fine as described in the Violations Fee Schedule. *(See attached PW 09-13-2010-009)*

No resident, contractor, subcontractor or agent of a resident may resume work at the location, until a release has been obtained, from the Code Enforcement Officer, Building Inspector, Public Works Director or Police Official of the Town.

**SECTION 11 – OPERATIONAL REQUIREMENTS – RESIDENTIAL & NEW CONSTRUCTION**

- a) Inspections will be performed, as required and specified by the permit.
- b) All construction debris must be removed within 48 hours of completion of work, or the Licensee will be subject to a fine.
- c) A certificate of occupancy fee for new construction is \$50.00 and is included on the New Construction Permit Fee Calculation sheet.
- d) There is a \$25.00 charge for a Temporary Occupancy fee.

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**SECTION 12- VIOLATIONS**

Any person, organization/business failing to comply with any provision of this Ordinance shall be deemed to be in violation of their agreement to operate in the Town of Cheswold and shall be subject to penalties as authorized by the Land Use Ordinance, Article 17 and set forth by the Town Council in the Building Permit Violations Fee Schedule. *(See attached - PW 09-13-2010-009)*

**Whereas, the Mayor and Town Council of the Town Cheswold have assessed the necessity for the Building Permit Ordinance finds it keeping with the intent of the Town Charter and the Land Use Ordinance; and**

**Whereas, the Town of Cheswold is authorized to promulgate such rules, procedures and regulations deemed necessary by the Mayor and Town Council to give full force and effect to the provisions of this Ordinance;**

**Be it ORDAINED, that Ordinance #07-20-2010-007, documented on August 17, 2010, is hereby adopted by the Town Council of the Town of Cheswold, on this the 13th day of September, 2010.**

CERTIFIED: *Leannette S. Williams*  
Mayor

Date: 8/17/2010

ATTEST: *Theon E. Callender*  
Secretary/Treasurer

Date: 8/17/2010

Ordinance No.: 07-20-2010-007

Date: 07-20-2010

Primary Sponsor: Theon E. Callender

Co-Sponsor: n/a  
*(if applicable)*

Introduction: August 17, 2010

Passed: November 8, 2010

1<sup>st</sup> Reading: August 17, 2010

2<sup>nd</sup> Reading: October 16, 2010