



Ordinance No.: 02-29-12-038

Date: 02-29-2012

**RETRO ACTIVE ORDINANCE OF THE ESTABLISHMENT OF A
CODE ENFORCEMENT OFFICER AND BUILDING INSPECTOR
FOR THE
TOWN OF CHESWOLD**

Whereas: the Town Council of the Town of Cheswold has adopted by Ordinance the International Code Council sets dealing with the administration of Property Maintenance, Building and Residential Code enforcement; and

Whereas: the International Code sets requires the enforcement of the provisions of the aforementioned codes by a Code Official; and

Whereas: the Code Official for the Town of Cheswold shall be referred to as either the Code Enforcement Officer or Building Inspector; and

Whereas: the Code official shall have authority as necessary in the interest of public health, safety and general welfare to:

- Adopt and promulgate rules and procedures
- Interpret and implement the provisions of the Code Sets and Ordinance
07-20-10-006 – Business Licenses and all associated Public Works forms Ordinance
07-20-10-007 – Building Permits and all associated Public Works forms
- Secure the intent thereof and;
- Designate requirements applicable because of local climatic or other conditions

Whereas: such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in the code sets, or Ordinances, or of violating accepted engineering methods involving public safety; and

Whereas: the Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals; and

Whereas: all reports of such inspections shall be in writing and be certified by a responsible officer designated by a majority vote of the Town Council of the Town of Cheswold, or by the Code Official; and

Whereas: the Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Town Council designated by a majority vote; and

Whereas; the Code Official shall be authorized to enter the structure or premises at reasonable times to inspect structure or premise subject to constitutional restrictions on unreasonable searches and seizures; and

Whereas: if entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by the laws of the State of Delaware; and

Whereas: the Code Official shall carry proper identification when inspecting structures or premises in the performance of duties; and

Whereas: the Code Official shall issue all necessary notices or orders to ensure compliance with the adopted International Code Sets and Building License and Permit Ordinances; and

Whereas: the Code Official shall keep official records of all business and activities of the section of the Public Works department responsible for the maintenance and enforcement of the International Code Sets and Building License and Permit Ordinances; and

Whereas: the Code Official shall coordinate the administrative responsibilities and requirements of this position with the Town Clerk or the designated appointee; and

Whereas: such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations,

Be it Resolved, that **effective, March 5, 2012,** the Town Council of the Town of Cheswold, Kent County, Delaware; hereby retroactively establishes the position of a Code Enforcement Official who may also be known as the Building Inspector, who shall be vested with the authorities and responsibilities advocated in this Ordinance and who shall report to the Director of Public Works or the designee appointed by a majority vote of the Town Council.

I, Jeannette Williams, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by an affirmative majority vote of all elected members of the Town Council of Cheswold at a regularly scheduled Town Council Meeting, held on, _____, at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED: _____
Jeannette Williams - Mayor

Date:

ATTEST: _____
Theon E. Callender - Secretary/Treasurer

Date:

Agreed: _____
Vice-Mayor

Date:

Agreed: _____
Councilperson

Date:

Agreed: _____
Councilperson

Date:

Agreed: _____

Date:

NOTARIZED: _____
Shadina Jones – Town Clerk

Date:

Resolution No.: 02-29-12-038

Primary Sponsor: Secretary/Treasurer Theon E. Callender
Co-Sponsor: n/a

Introduction: March 5, 2012