

**DRAFT**

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Ordinance No: 01-07-08-004**  
**Revision 1**

**Date: January 7, 2008**  
**November 15, 2019**

**A Total Revision of the Ordinance  
Establishing a Surcharge Added to Building Permits  
to Support the Public Safety Departments and  
Companies of the Town of Cheswold**

**DESCRIPTION:** This Ordinance is being revised in its entirety to meet the current process of the Town of Cheswold Ordinance standards, and to provide new guidelines for the distribution of collected funds.

**Section 1 - PURPOSE:** This Ordinance provides an assessment and process for the collection of a Surcharge that will be added to all new construction building permits. The fee collected will be payable to the Public Safety Departments and Companies of the Town of Cheswold including and not exclusive of the Town of Cheswold Police Department and the Cheswold Volunteer Fire Company, Station 43 in order to promote and protect the public safety, health, convenience and general welfare of the residents of the Town of Cheswold and/or neighboring communities when required.

**Section 2 - AUTHORITY to ACT:**

- 2.1 Section 4.2.25** of the Town Charter of the Town of Cheswold provides the Town Council with the authority to preserve the health, peace, safety, cleanliness, ornament and good order and public welfare of the Town and its residents and visitors.
- 2.2 Section 4.2.48**, authorizes the Town Council to make, adopt, and establish, alter and amend all such Ordinances, Regulations, Rules and By-Laws not contrary to the laws of this 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

# DRAFT

proper and necessary for the order, protection and good government of the Town.

Ordinance No: 01-07-08-004

Revision 1

Date: January 7, 2008

November 15, 2019

## Section 3 – FEE ASSESSMENTS:

The Town of Cheswold shall add a surcharge of 0.3% (percent) to every new residential and commercial construction building permit issued by the Town of Cheswold. This Surcharge will be based on new building construction cost and will be collected and placed in a reserve fund, payable to the Town of Cheswold Public Safety Fund, for the purchase of planned capital equipment and/or facilities needed to support the present and planned future growth of the Town of Cheswold. The Surcharge will not be applicable to such items as modifications, decks, sheds, demolitions, fences, etc.

## Section 4 – PAYMENT PROCESS:

The Surcharge collected shall be available for distribution to a Public Safety Department or Company twice a year – fund amounts permitting. The following process shall be employed to obtain a distribution.

- 4.1 The Chief or Commanding Officer of the Public Safety Department or Company must make a written request for the distribution of a payment to the Secretary/Treasurer of the Town of Cheswold.
- 4.2 The written request must include the desired amount and a description of intended use of the funds. It must also be signed by the Chief or Commanding Officer.
- 4.3 The Secretary/Treasurer shall review the written request for completeness and determine if the requested fund amount is available for distribution.
- 4.4 If the requested fund amount is not available the Secretary/Treasurer shall return such notice to the Chief or Commanding Officer.
- 4.5 If the requested fund amount is available and the written request is complete the Secretary/Treasurer shall sign the request indicating that the amount is available and the request is complete.
- 4.6 The Secretary/Treasurer shall forward a copy of the written request to the Mayor and members of the Town of Council for review, discussion and a vote on the approval at the next regular scheduled Town Council month meeting.

## Section 4 – RESTRICTION on PAYMENT:

The funds distributed shall only be used for planned and identified Capital Improvements

# DRAFT

benefiting the Town of Cheswold.

Ordinance No: 01-07-08-004  
Revision 1

Date: January 7, 2008  
November 15, 2019

## Section 6 - EFFECTIVE DATE

This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effective, **on TBD** from and after the date of its final passage and adoption and shall apply to any all funds previously collected.

**Ordinance No. 01-07-05-004 – Revision 1, entitled, TOTAL REVISION of the ORDINANCE ESTABLISHING A SURCHARGE ADDED to BUILDING PERMITS to SUPPORT the PUBLIC SAFETY DEPARTMENTS and COMPANIES of the TOWN of CHESWOLD, was posted for Public Notice on January 14, 2020 and presented for public comment at a Public Hearing meeting, held at 6:00 p.m., on Monday, February 3, 2020, at the Town Hall of the Town of Cheswold, 691 Main Street, Cheswold, Delaware, 19936.**

I, Robert W. Sine, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by affirmative vote of all elected Members of the Cheswold Town Council at a regularly scheduled Town Council Meeting, held at 7:00 pm on, **Monday, February 3, 2020, at the Town Hall of the Town of Cheswold, 691 Main Street, Cheswold, Delaware, 19936**, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: \_\_\_\_\_  
Mayor Robert W. Sine

Date: \_\_\_\_\_, 2019

ATTEST: \_\_\_\_\_  
Secretary/Treasurer Theon E. Callender

Date: \_\_\_\_\_, 2019

Agreed: \_\_\_\_\_  
Vice-Mayor Larence Kirby

Date: \_\_\_\_\_ 2019

Agreed: \_\_\_\_\_  
Councilperson Judith Johnson

Date: \_\_\_\_\_, 2019

Agreed: \_\_\_\_\_  
Councilperson Santo Faronea

Date: \_\_\_\_\_, 2019

Agreed: \_\_\_\_\_  
Councilperson Mark Moxley

Date \_\_\_\_\_, 2019

# **DRAFT**

**Ordinance No: 01-07-08-004**  
**Revision 1**

**Date: January 7, 2008**  
**November 15, 2019**

**NOTARIZED:** \_\_\_\_\_  
**Town Clerk Shadina Jones**

**Date:** \_\_\_\_\_, **2019**

**Sponsored by: Chris Workman – Chief of Police**  
**Co-Sponsor: Sam Callender – Town Administrator**

**Introduction: October 16, 2019**

## **READINGS & REVIEWS:**

**Initial Council Review**

November 22, 2019

**2<sup>nd</sup> Council Review**

December 2, 2019

Revision to Description: Added “the” between “for” and “distribution”.

Revisions to Purpose: Inserted “provides” between “Ordinance” and “an”  
and replaced “called upon” with “required”

**3<sup>rd</sup> Council Review**

January 6, 2020

**Public Hearing**

February 3, 2020