

**TITLE #: 83**

**Ordinance #: 11-14-19-058**

**Date: November 14, 2019**

## **ORDINANCE for the Revision of Article 17 – Violations and Penalties of the Town of Cheswold Land Use Ordinance**

**DESCRIPTION:** This Ordinance has been created to revise two, (2), sections of Article 17 of the Land Use Ordinance of the Town of Cheswold which specifies the penalties for violations of such Ordinance.

### **Section 1. PURPOSE:**

The purpose of this revision is to authorize and permit the specific assessment of fines and penalties assigned in other separate Ordinances which may apply to Land Use situations to supersede those of Article 17.

### **Section 2. AUTHORITY TO ACT**

The Town Charter of the Town of Cheswold:

- 2.1.1 Section 4.2.25**, authorizes the Town Council to provide for and preserve the health, peace and safety, cleanliness, ornament, good order and public welfare of the Town and its' inhabitants.
- 2.1.2 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 proper and necessary for the order, protection and good government of the Town.

### **Section 3. APPLICABILITY**

The provisions of this Ordinance shall be applied to all applications and situations in which a fine or a penalty may be assessed in relation to a violation of the Land Use Ordinance and whose fine or penalty is specifically identified in said specific Ordinance.

**Section 4. DEFINITIONS**

All definitions related to this Article and this Ordinance may be found in Article 2 – Definitions of the Land Use Ordinance of the Town of Cheswold.

**Section 5. ARTICLE and SECTION to be REVISED**

The following narratives are to be revised as shown:

**ARTICLE 17 – Section 17-2 Penalties for Violations - Item A-Initial Violation Item 2. Penalty**

**FROM:** An entity or person that commits an initial violation shall be charged with such violation and shall be liable to a fine of not more than &7,550.

**TO:** An entity or person that commits an initial violation shall be charged with such violation and shall be liable to a fine of not more than &7,550, **unless a specific fine amount has been assessed in a separate approved Ordinance.**

**ARTICLE 17 – Section 17-2 Penalties for Violations - Item B-Subsequent Violation Item 2. Penalty**

**FROM:** An entity or person that commits a subsequent violation shall be charged with such violation and shall be assessed for a fee in the amount of \$10.00 each day without the necessity of a separate citation or summons issued by the Town of Cheswold.

**TO:** An entity or person that commits a subsequent violation shall be charged with such violation and shall be assessed for a fee in the amount of \$10.00 each day without the necessity of a separate citation or summons issued by the Town of Cheswold, **unless a specific daily fine amount has been assessed in a separate approved Ordinance. Such fine shall not, however, require a separate citation or summons regardless of the amount fined.**

**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 effect, from and after the date of its final passage and adoption.

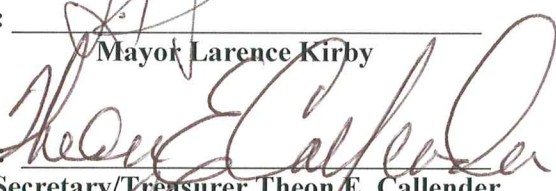
**Ordinance No. 11-14-19-058 entitled, Revision of Article 17 -Violations and Penalties of the Land Use Ordinance of the Town of Cheswold Land Use Ordinance**, was posted for Public Notice on January 14, 2020 and May 3, 2020, for public comment at a Public Hearing meeting, held at 6:00 p.m., on Monday, January 1, 2020, at the Town Hall of the Town of Cheswold, 691 Main Street, Cheswold, Delaware, 19936.

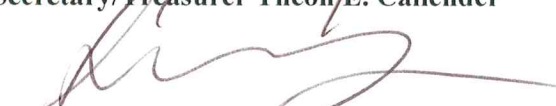
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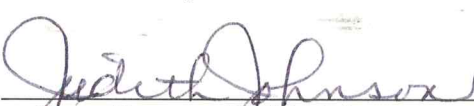
**Date: November 14, 2019**

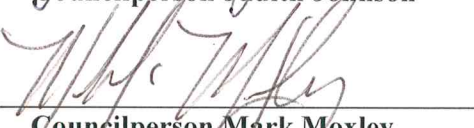
I, Larence Kirby, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 11-14-19-058 entitled, Revision of Article 17 -Violations and Penalties of the Land Use Ordinance of the Town of Cheswold Land Use Ordinance, passed by affirmative vote of all elected Members of the Cheswold Town Council at a regularly scheduled Town Council Meeting, held at 6:30 pm on, Monday, June 1 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:  \_\_\_\_\_ Date: **June 1, 2020**  
Mayor Larence Kirby


ATTEST:  \_\_\_\_\_ Date: **June 1, 2020**  
Secretary/Treasurer Theon E. Callender

Agreed:  \_\_\_\_\_ Date: **June 1, 2020**  
Vice-Mayor Santo Faronea

Agreed:  \_\_\_\_\_ Date: **June 1, 2020**  
Councilperson Judith Johnson

Agreed:  \_\_\_\_\_ Date: **June 1, 2020**  
Councilperson Mark Moxley

Agreed: \_\_\_\_\_ Date: **June 1, 2020**  
Position Vacant

NOTARIZED:  \_\_\_\_\_ Date: **June 1, 2020**  
Town Clerk Shadina Jones

**Sponsored by: Theon E. Callender– Land Use Administrator**

**Introduction: Nov. 14, 2019**