Town of Cheswold
1856

State of Delaware
1787

Title 20
Ordinance No: 11-16-20-062 **Date: 11-16-062**

ORDINANCE
for the
ADOPTION of the 2018
INTERNATIONAL PROPERTY MAINTENANCE CODE

DESCRIPTION: An Ordinance of the Town of Cheswold adopting the 2018 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by repealing all other Ordinances and parts of Ordinances in conflict therewith, except for those of the State of Delaware and/or Kent County and/or the Land Use Ordinance and Comprehensive Plan of the Town of Cheswold, which shall have precedence in perpetuity.

Section 1. PURPOSE
This Ordinance and the 2018 edition of the International Property Maintenance Code provides for the standards for regulating and governing the condition and maintenance of all property, buildings and structures' by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and uses; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Town of Cheswold; providing for the issuance of permits and collections of fees thereof, and each and all of the regulations , provisions, penalties, conditions and terms of said Property Maintenance Code, except those so noted in the adopted Ordinance.

Section 2. AUTHORITY to ACT
The Town Council of the Town of Cheswold has been vested with all the power possible for a municipal corporation to have under the Constitution and laws of the State of Delaware, as specified by Section 4. Powers of the Town of the Town Charter and specifically with the ability to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

TOWN of CHESWOLD
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Section 3. APPLICABILITY
This **Ordinance, No. 11-16-2020-062**, shall apply except where it may conflict with the Building Ordinances, codes, statues, rules and regulations, set forth by the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold, in which case the Ordinances, codes, statutes, rules and regulations of the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold shall apply, as applicable to the situation.

Section 4. DEFINITIONS
All applicable definitions may be found in the 2018 edition of the *International Property Maintenance Code*.

Section 5. The Town Council of the Town of Cheswold does ordain as follows:
That a certain document, two (2) copies of which are on file in the office of the Secretary/Treasurer and Town Clerk of the Town of Cheswold, being marked and designated as the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Cheswold, in the State of Delaware for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and uses; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Town of Cheswold; providing for the issuance of permits and collections of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Cheswold are hereby referred to, adopted and made a part thereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 6. ADDITIONS; INSERTIONS; DELETIONS; MODIFICATIONS; CHANGES
The following sections are hereby modified, by the insertion of the following in the specified sections:

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Section 6. *"continued"*

Section 101.1 Title – Town of Cheswold

Section 103.5 Fees – See Town of Cheswold Public Works Fee Schedule & Instructions

Section 112.4 Failure to Comply – Not less than $50.00 and not more than $150.00.

Section 302.4 Weeds – 6″

Section 304.14 Insect screens – RECOMMENDATION – April 15th to October 15th.

Section 602.3 Heat supply – October 15th to April 15th

Section 602.4 Occupiable work spaces – October 15th to April 15th

Section 7. VALIDITY
That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. LEGAL RIGHTS
That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

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Section 9. POSTING
That the Town Clerk and/or Secretary/Treasurer is hereby ordered and directed to cause this Ordinance to be published by posting on the Town bulletin board, Town website and local Post Office, for a period no less than 10 business days.

Section 10. EFFECTIVE DATE
That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effective from and after the date of its final passage and adoption.

Ordinance No. 11-16-2020-062, entitled, Adoption of the 2018 International Property Maintenance Code was presented for public comment at a Public Hearing meeting, held at 6:00 p.m., on Monday, January 4, 2021, at a virtual ZOOM meeting in Cheswold, Delaware, 19936,

I, Larence Kirby, Mayor, do hereby certify that the foregoing is a true and correct copy of the Ordinance duly adopted by a majority vote of all properly sworn quorum of members of the Cheswold Town Council, who were present and voting throughout, on Monday, January 4, 2021, at the monthly Cheswold Town Council meeting, held at 6:30 p.m., at the Cheswold Town Hall 691 Main Street, Cheswold, Delaware, 19936.

Certified: _____ **Date: January 4, 2021**
Mayor Larence Kirby

ATTEST: _____ **Date: January 4, 2021**
Secretary/Treasurer Theon E. Callender

Agreed: _____ **Date: January 4, 2021**
Vice-Mayor Santo Faronea

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Agreed: ABSENT **Date: January 4, 2021**
Councilperson Judith Johnson

Agreed: **Date: January 4, 2021**
Councilperson Mark Moxley

Agreed: **Date: January 4, 2021**
Councilperson Michael Wysong

NOTARIZED: **Date: January 4, 2021**
Town Clerk Shadina Jones

SHADINA DARCELL JONES
MY COMM. EXPIRES
NOTARY
PUBLIC
06-11-2022
STATE OF DELAWARE

Sponsored by: David Naples, MCP **Date: November 16, 2020**
Town of Cheswold Building Inspector

REVISION LOG

Revision Date	***REVISION REASON***

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