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.
ADOPTION of THE 2018
INTERNATIONAL PROPERTY
MAINTENANCE CODE

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 use; 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:
ADOPTION of THE 2018
INTERNATIONAL PROPERTY
MAINTENANCE CODE

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 15\textsuperscript{th} to October 15\textsuperscript{th}

Section 602.3 Heat supply – October 15\textsuperscript{th} to April 15\textsuperscript{th}

Section 602.4 Occupiable work spaces – October 15\textsuperscript{th} to April 15\textsuperscript{th}

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.
ADOPTION of THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

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, Laurence 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: Mayor Laurence Kirby

Date: January 4, 2021

ATTEST: Secretary/Treasurer Theon E. Callender

Date: January 4, 2021

Agreed: Vice-Mayor Santo Farohe

Date: January 4, 2021

Page 4 of 5

TOWN of CHESWOLD
P.O. Box 220 – Cheswold, Delaware 19936
Phone: (302) 734-6991 – Fax: (302) 734-1355
ADOPTION of THE 2018
INTERNATIONAL PROPERTY
MAINTENANCE CODE

Agreed: A B S E N T
Councilperson Judith Johnson

Date: January 4, 2021

Agreed: 
Councilperson Mark Moxley

Date: January 4, 2021

Agreed: 
Councilperson Michael Wysong

Date: January 4, 2021

NOTARIZED:

Date: January 4, 2021

Sponsored by: David Naples, MCP
Town of Cheswold Building Inspector

Date: November 16, 2020

REVISION LOG

<table>
<thead>
<tr>
<th>Revision Date</th>
<th>REVISION REASON</th>
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Ordinance No: 11-16-20-062

Date: 11-16-062

Page 5 of 5

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