

ORDINANCE 20-05

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 10, ENTITLED
“CLEAN HANDS POLICY”

WHEREAS, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

WHEREAS, the Town of Millville has adopted a Clean Hands Policy Ordinance for the municipality, which has been codified in Chapter 10 of the Town Code;

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed Town Council meeting held on November 12, 2019, that the following language hereby is adopted and incorporated into the Town of Millville Code at Chapter 10, entitled “Clean Hands Policy,” as follows:

Additions will be in black bold and underlined.
~~Deletions will be black bold strike through.~~

Chapter 10. Clean Hands Policy

§ 10-1. Determination of currentness required.

The Town staff of the Town of Millville having authority to accept applications and issue approvals, permits, licenses and/or provide Town services shall first determine that the applicant is current on and not in default of certain obligations, including but not limited to, Public Works Agreements, Landscaping Agreements, and Subdivision Development Agreements, owed to the Town.

§ 10-2. ~~Obligations to be current.~~ Town obligations which must be current.

Applicants for Town approvals, permits, licenses and/or the use, receipt or provision of Town services shall be current on all of the following obligations to the Town, the request for compliance, repair, or payment of which has been sent via regular mail, e-mail, facsimile or hand delivery at least 30 days prior, prior to receiving such approvals:

- A. Property taxes.
- B. Capitation taxes.

- C. Application fees and any applicable professional fees.
- D. Subdivision fees and any applicable professional fees.
- E. License fees.
- F. Permit fees, including building permits, building code and inspection fees.
- G. Administrative fees.
- H. Performance and surety bonds and any applicable professional fees.
- I. Site plan reviews and any applicable professional fees.
- J. Interest, penalties, court costs and/or attorney's fees if applicable to a default in any of the above ~~listed~~ obligations identified in this section.
- K. Agreed upon reimbursements for costs paid by the Town.
- L. Escrow requirements.
- M. Reimbursements for costs paid by the Town, including snow removal and any repairs to streets, curbing, and sidewalks.
- N. Emergency costs expended by the Town related to any property in which the applicant has an interest.
- O. Repairs required by the Town for streets, curbing and sidewalks for any property in Town in which the applicant has an interest.
- P. Outstanding obligations required by the Town or any county or state official or agency related to a condition of any property in which the applicant has an interest.
- Q. Obligations required by the Town, including but not limited to, Public Works Agreements, Landscaping Agreements, and Subdivision Development Agreements in which the applicant has an interest.
- R. Any other outstanding fee(s) authorized by Town Council as listed in the Town's Resolution entitled Fee Schedule.

§ 10-3. Denial of Town approvals, permits and licenses.

The Town staff of the Town shall refuse to accept applications and grant permits and/or approvals for the use, receipt or provisions of Town services, including but not limited to building permits, building code plan reviews and/or inspections, subdivisions, rezoning, conditional uses, variances ~~and/or special exceptions~~ until the property

owner and/or applicant has demonstrated that all Town obligations identified in § 10-2 above ~~have been paid~~ are current as to all projects, lands and property owned by the individual requesting the permit, approval or Town services. If the party requesting Town approval is current on some, but not all obligations owed to the Town, the approval, permit, license and/or Town service being applied for shall be denied until such time as all Town obligations are current and fully complied with.

§ 10-4. Procedure.

- A. All Town employees who are responsible for taking applications and/or granting approvals and/or permits providing the Town services in § 10-3 shall make all reasonable efforts to determine that none of the Town obligations identified in § 10-2 are unpaid and/or that the property owner requesting the approval, permit or service is not in violation of any monetary or compliance obligation owed to the Town.
- B. Property owners who have taxes or any other obligations owed to the Town must have written approval from the Town Manager indicating full payment of all taxes, assessments, fees or obligations that are in arrears before any application for a building permit, building code approval, subdivision, rezoning, conditional use, variance, ~~special exception~~ or Town services can accepted or approved by the Town.
- C. If any ~~noncomplying~~ noncompliance or ~~incomplete payments, actions, or filings are~~ outstanding obligation is determined to exist, then the Town Manager or their designee shall, in writing, deny the ~~license, application or other form of approval requested until all existing requirements for~~ and indicate the payment, actions or filings ~~have been fully complied with or completed, clearly identifying in the written denial, the payment, action or filing required to be completed or complied with.~~ required for currentness and/or compliance. Failure by the ~~appropriate administrative agency or official~~ Town Manager or their designee to issue such written denial within 10 workdays from the receipt of any application shall enable the applicant to receive the permit or other approval for which application was made.

§ 10-5. Appeals.

~~Any applicant for a permit or other form of Town approval who receives the aforesaid written denial of a permit or other form of approval by the Town of Millville staff, may appeal that denial to the Town Manager within 20 calendar days of such denial. The Town Manager, or their designee, shall thereafter hold a hearing at which said applicant shall be permitted to provide proof that such payment has been made or that a required action or filing has been properly carried out or otherwise show that such denial is based on incorrect information or is not appropriate as to the applicant. In the event the Town Manager denies a permit or other form of approval after the hearing with the~~

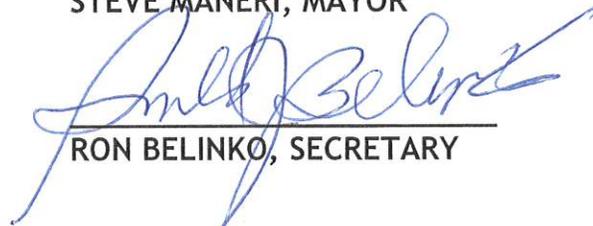
~~applicant, the applicant may appeal that denial to the Town Council within 20 calendar days of such denial.~~

Any applicant denied pursuant to this chapter may appeal that denial to the Town Manager within 15 working days of such denial. The Town Manager, or a designee, shall thereafter hold a hearing, at which the applicant shall be permitted to provide proof that such payment, action, or filing has been made and carried out or that the denial is based on incorrect information. A written decision shall be rendered within 10 working days of the hearing. In the event the Town Manager or designee confirms the denial after the hearing, the applicant may then appeal the denial to the Town Council. Such appeal must be filed in writing with the Town within 15 working days of the written decision.

SEAL:


STEVE MANERI, MAYOR

ATTESTED:


RON BELINKO, SECRETARY





SYNOPSIS

This ordinance amends Chapter 10 of the Town Code relating to Construction Hours. The amendment will allow the Town to have more leverage with regards to agreements between the Town and another entity should the entity not comply with the terms of the agreement.