

THE COMMISSIONERS OF THE TOWN OF BELLEFONTE

**ORDINANCE 2016-03 - NAMING NEW CASTLE COUNTY AS BUILDING CODE
AUTHORITY IN BELLEFONTE AND TRANSFERRING LAND USE CODE
(ZONING REVIEW) AUTHORITY TO THE BELLEFONTE PLANNING
COMMISSION/ZONING REVIEW BOARD**

An ordinance to:

- (1) Repeal Ordinance 2006-03 providing for Building, Plumbing and Mechanical regulations for the Town of Bellefonte, Delaware; and**
- (2) Adopt the New Castle County Building Code and New Castle County enforcement of said Code in the Town of Bellefonte excepting zoning review and enforcement; and**
- (3) Amend Article 8 of the Bellefonte Land Use Code to appoint the Department of Land Use of New Castle County to review and enforce the Building Code in the Town of Bellefonte excepting zoning review and enforcement and to amend the Powers and Duties of the Bellefonte Planning Commission to expressly include zoning review and enforcement.**

BE IT ORDAINED by the Commissioners of the Town of Bellefonte, Delaware, a majority thereof concurring after careful review, that the following Ordinance is adopted:

SECTION 1: Repeal of Bellefonte Ordinance 2006-03:

The Town of Bellefonte Commission repeals, in its entirety, Ordinance 2006-03 providing for Building, Plumbing and Mechanical regulations for the Town of Bellefonte, Delaware.

SECTION 2: Adoption of New Castle County Building Code:

The Commissioners of the Town of Bellefonte:

- A. Except as otherwise provided in this Ordinance, adopt in its entirety Chapter 6 (“Building Code”) of the New Castle County Code for enforcement within the municipal limits of the Town of Bellefonte including but not limited to:
Article 1. General; Article 2. Definitions; Article 3. Administration; Article 4. Building Code; Article 5. Residential Code; Article 6. Mechanical Code; Article 7. Plumbing Code; Article 8. Fuel Gas Code; Article 9. Existing Building Code; Article 10. Energy Conservation Code; Article 11. Swimming Pool and Spa Code; and Article 12. Violations, Enforcement and Penalties.
- B. Amendments to New Castle County Building Code. Except as such amendments, changes, additions and deletions relate to zoning review or zoning enforcement, adopt and automatically include in this Ordinance all amendments, changes, additions and deletions to the New Castle County Building Code, as such shall be changed, amended, added or deleted from time to time, subsequent to the date of adoption of this Ordinance, as if fully set forth herein, without further enactment by the Commission of the Town of Bellefonte.

- C. Transfer of Functions to New Castle County.-Transfer to the Land Use Department of New Castle County, a political subdivision of the State of Delaware, the functions of regulation including, without limitation, inspection, enforcement and correction, relating in any way to said Building Code and the application of said Building Code in the Town of Bellefonte, but excluding zoning review and enforcement as it relates to the zoning provisions of the Town of Bellefonte Land Use Code, and to that end the Building Code, regulations, including subsequent amendments, and enforcement provisions, subject to the exclusions set forth above, and all rights and duties thereunder applicable to New Castle County, State of Delaware, shall be applicable within the corporate limits of the Town of Bellefonte.

SECTION 3. Amendments to Town of Bellefonte Land Use Code:

- A. The duties and powers of the Planning Commission of the Town of Bellefonte are revised to expressly include zoning review of all applications for building permits in the Town of Bellefonte and enforcement of all zoning code issues arising under the Bellefonte Land Use Code.
- B. Article 8 of the Bellefonte Land Use code is amended as follows:

Article 8.01 of the Bellefonte Land Use Code is deleted and replaced in its entirety to read as follows:

“The Land Use Department of New Castle County is appointed by this Ordinance 2016-03 to administer and secure compliance with the provisions of the Town of Bellefonte Land Use Code, the New Castle County Building Code as adopted by this Ordinance and other applicable laws except that this appointment shall not apply to (i) the review of applications for compliance with the zoning provisions of the Bellefonte Land Use Code and (ii) the enforcement of the zoning provisions of the Bellefonte Land Use Code which shall, pursuant to this Ordinance 2016-03, both be the responsibility of the Town of Bellefonte Planning Commission in its additional role as a zoning review and zoning enforcement board for the Bellefonte Land Use Code.”

Article 8.02 of the Bellefonte Land Use Code is deleted and replaced in its entirety to read as follows:

“A. No building permit shall be issued unless the Bellefonte Planning Commission, in the exercise of its duties and powers as a zoning review board, has determined that the proposed buildings, uses of land, including signs, comply with all provisions of this Town of Bellefonte Land Use Code.

B. Prior to reviewing or issuing a Building Permit, the Land Use Department of New Castle County shall provide the Bellefonte Planning Commission with the applicant’s proposal so

that the Bellefonte Planning Commission may review such proposal to ensure its compliance with the Town of Bellefonte Land Use Code, other applicable laws, and assure that all appropriate fees are paid; no Building Permit shall issue by the New Castle County Department of Land Use until said zoning review has occurred and approval has been received from the Town of Bellefonte Planning Commission.

C. The Town of Bellefonte Planning Commission, in the exercise of its duties and powers as a zoning review board, shall determine the procedure and the required information necessary to conduct such review for compliance with this Land Use Code.

D. To the extent practical, the review of proposals by the Town of Bellefonte Planning Commission in its capacity as a zoning review board shall be coordinated with and/or made simultaneous with the applications and procedures of other development-related approvals.”

Article 8.03 (new) is added to read as follows:

“In all other Articles of the Town of Bellefonte Land Use Code referencing Building Inspector, the term Building Inspector shall mean the Building Inspector appointed pursuant to this Ordinance 2016-03 with those powers and duties set forth in this Ordinance 2016-03.”

SECTION 4. Effective Date:

This Ordinance becomes effective upon New Castle County approval of the transfer of building code rights and duties from the Town of Bellefonte and upon the adoption of an amendment removing the Town of Bellefonte as an exclusion of the New Castle County Building Code, a copy of which is to be attached to this Ordinance signifying the effective date of this Ordinance.

FIRST READING: _____

SECOND READING: _____

PASSED BY THE COMMISSIONERS: _____

Scott L. MacKenzie President

Brandon Dougherty Secretary

[Original signed copy on file at Town Hall]