

**Ordinance 2016-03**

**THE COMMISSIONERS OF  
BELLEFONTE**

**An ordinance amending the Bellefonte Land Use Code to:**

- (1) Repeal Ordinance 2006-03 providing for Building, Plumbing and Mechanical regulations for the Town of Bellefonte, Delaware (the Bellefonte Building and Plumbing Ordinance); and**
- (2) Adopt the New Castle County Building Code and New Castle County enforcement of said Code in the Town of Bellefonte; and**
- (3) Revise the Powers and Duties of the Bellefonte Planning Commission to 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: Adoption of New Castle County Building Code.

The Town of Bellefonte Commission hereby adopts the New Castle County Building Code for enforcement within the municipal limits of the Town of Bellefonte, a copy of which Code is attached hereto and incorporated herewith.

SECTION 2: Amendments to . New Castle County Building Code.

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 by the Town of Bellefonte Commission, shall be automatically included in this Ordinance as if fully set forth herein, without further enactment by the Commission of the Town of Bellefonte.

SECTION 3. Transfer of Functions to New Castle County.

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 Bellefonte Land Use code, are hereby transferred to New Castle County, a political subdivision of the State of Delaware, and to that end the building codes, regulations, including subsequent amendments, and enforcement provisions subject to the exclusion 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 4. Transfer of Zoning Review and Enforcement to Bellefonte Planning Commission.

The duties and powers of the Planning Commission of the Town of Bellefonte are hereby revised and expanded to include zoning review of all applications for building permits prior to the issuance of any building permit. The following Articles of the Bellefonte Land Use code are amended as follows:

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

“The Planning Commission of the Town of Bellefonte pursuant to Ordinance 2016-03 shall assume the additional role of a zoning review board and shall be responsible for the administration of, and securing compliance with, the provisions of this Land Use Code and other applicable laws.”

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 Land Use Code.

B. Prior to issuing a Building Permit, 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 this Land Use Code, other applicable laws, and assure that all appropriate fees are paid.

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

D. To the extent practical, the review of proposals by the 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:

“All other Articles of this Land Use Code referencing the Building Inspector or Building Inspection are amended to delete any such reference and to substitute the Bellefonte Planning Commission with those powers and duties set forth in this Ordinance.”

SECTION 5. 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: \_\_\_May 9,\_\_\_\_\_, 2016

SECOND READING: \_\_\_June 13,\_\_\_\_\_, 2016

PASSED BY THE COMMISSIONERS: \_\_June 13,\_\_\_\_\_, 2016

\_\_\_Scott L. MacKenzie\_\_\_\_\_President

\_\_\_Brandon Dougherty\_\_\_\_\_Secretary

[Original signed copy on file at Town Hall]