

ORDINANCE # A18  
Amended February 2, 2006.

“AN ORDINANCE REQUIRING DEVELOPERS TO ENGINEER AND INSTALL WATER, SEWER, STORM DRAINAGE, ROADS, AND SIDEWALKS AT THEIR OWN EXPENSE IN NEW DEVELOPMENTS, OR EXISTING DEVELOPMENTS WITHOUT ALL OF THE FOREGOING INFRASTRUCTURE, AND TO DO SO IN ACCORDANCE WITH STANDARDS APPROVED BY THE TOWN OF GREENWOOD.”

BE IT ORDAINED by the Town Council of the Town of Greenwood, in Council met, in the manner following:

Section 1. Definitions

As used in this Ordinance, the following terms shall have the meanings specified:

- (a) “Developers” shall mean those individuals, corporations or other legal entities seeking to subdivide, and/or erect improvements upon, one or more parcels of land in the Town of Greenwood, whether part of a common development scheme or otherwise.
- (b) “New Developments” shall mean tracts or parcels of land that have not been previously subdivided and which will need water, sewer, storm drainage, roads, sidewalks, and possibly other infrastructure, installed or constructed before the subdivided parcels may be sold, regardless of whether improvements are to be constructed on the subdivided parcels before their sale.
- (c) “Developments Where Services Do Not Yet Exist” shall mean existing approved subdivisions or tracts comprised of one (1) or more separate parcels which are not currently serviced or improved with water, sewer, storm drainage, roads, sidewalks or other infrastructure required by the Town of Greenwood at the time, and which will need to have such infrastructure, or a part thereof, installed before the sale and/or development of separate parcels may occur.

SECTION 2 – Responsibilities and Submission of Plans

Developers have the responsibility to prepare engineering plans for the installation of services including: water, sewer, storm drainage, roads and sidewalks at their own expense in new developments, subdivisions or for new construction where services do not yet exist. Such plans are to be approved by the

Town Manager, after consultation with, and certification by the Town's consulting engineers regarding whether the plans meet the requirements and specifications as approved by the Council of the Town of Greenwood from time to time. The developer shall bear the costs of the review by the Town's consulting engineers and any revisions and subsequent reviews required to ensure the plans are in accordance with the requirements and specifications as approved by the Council of the Town of Greenwood from time to time.

### SECTION 3 – Installation of Services

Developers shall install, at their own expense, required services including: water, sewer, storm drainage, roads and sidewalks in accordance with the approved plans. Developers shall be responsible for paying the cost of inspection services required by the Town.

### SECTION 4 - Standards

The Council of the Town of Greenwood may establish engineering standards as it deems necessary from time to time, and those standards shall be enforceable under this ordinance.

### SECTION 5 – Permits

No building permits will be issued until the Town of Greenwood gives approval of plans and the developer has completed installation of underground utilities, and the underground utilities have been accepted.

No building permits will be issued until the road sub-base has been constructed and approved.

No occupancy permit for any building will be granted until all services required by the Town are completed and accepted by the Town.

### SECTION 6 - Town Acceptance of Services

Acceptance of any installation required by the Town shall be effective only upon approval of the work and acceptance by the Council of the Town of Greenwood

### SECTION 7 – Inspections

Inspections shall be undertaken as scheduled by phase by the Town Manager of the Town of Greenwood, and no phase shall be considered complete until a written inspection certification of approval for any phase of work is issued to the developer. In the case of underground services, no work is to be backfilled, and

in the case of above ground work, no phase, or sidewalk or road construction is to be covered until an inspection has been completed.

In the case of a failure to comply with the inspection requirements, the Town of Greenwood may require the developer, at his own expense, to excavate or otherwise provide access to phases of work that cover phases for which inspections were not completed or for work which was previously rejected.

#### SECTION 8 – Acceptance

The Town of Greenwood will only accept the installed services and issue occupancy permits after all the requirements for installation of water, sewer, storm drainage, roads sidewalks, and other required improvements have been met.

#### Section 9 – Violations and Penalties

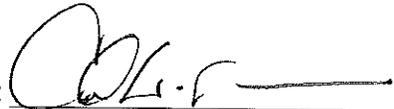
Any person violating any of the provisions of this ordinance shall, upon conviction, be subject of a fine of not less than \$100 nor more than \$200 and imprisoned for a term of not less than 10 days nor more than 20 days for the first such conviction, or both, and shall pay the costs of prosecution. For a second or subsequent offense, any person shall, upon conviction, be subject to a fine of not less than \$200 nor more than \$500 or imprisonment for a term of not less than 20 days nor more than 30 days for each such conviction, or both, and shall pay the costs of prosecution. For the purposes of this section, each day, or part of a day, that a violation of any of the provisions of this ordinance continues shall be deemed and taken to be a separate and distinct violation.

#### Section 10 – Severability

Should any subsection, sentence, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect this ordinance in its entirety or any part thereof other than that so declared to be invalid.

APPROVED by a majority of the elected Council member of the Town of Greenwood, Delaware this seventh day of February, 2006.

Attest:

  
Secretary of the Council