

Sponsor: Norman Reed
First Reading: 7/8/2020
Second Reading: 8/12/2020

TOWN OF GREENWOOD ORD. A-2

AN ORDINANCE ESTABLISHING BUILDING PERMIT REQUIREMENTS AND PROCEDURES

WHEREAS, Section 29(a)(23) of the Town Charter authorizes the Town to “regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the granting of permits for the same”;

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, it is in the best interest of the public health, safety, and welfare to establish criteria for when building permits are required in the Town of Greenwood.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in council duly met, that the following ordinance, to hereafter be known as the Town of Greenwood Building Permit Ordinance, is hereby enacted as follows, to wit:

**TOWN OF GREENWOOD
BUILDING PERMIT ORDINANCE**

Section 1. Definitions. For purposes of this Ordinance, the following terms shall be defined as follows:

Building contractor means any person, whether operating from a place within the town or not, engaged in construction activities in the Town of Greenwood. A general contractor or subcontractor working under the direction of another contractor in charge are also building contractors.

Construction activities means any erection, construction, installation, enlargement, alteration, improvement, repair, maintenance, removal, conversion, replacement, dismantling, or demolition performed on property in the Town of Greenwood.

Person means any natural person, firm, partnership, company, corporation, or unincorporated association.

Property means any building, structure, property, premises, or lands, including manufactured homes and mobile homes, situated within the Town of Greenwood.

Section 2. Building Permits.

a. Building Permits Required. Prior to engaging in construction activities, any building contractor, property owner, or other responsible party shall obtain a building permit authorizing the construction activities, along with any required federal, state, county, and/or local agency

permits. A building permit shall be obtained from the Town and any government entity authorized by the Town to issue building permits and perform inspections. This Ordinance is intended to be broadly interpreted by building inspectors. If construction activities commence prior to the issuance of one or more of the building permits, a stop work order may be issued until the building permit is obtained. Building permits shall be required for construction activities including, but not limited to, the following:

1. Single and Multi-Family dwellings;
2. Commercial construction;
3. Manufactured homes, including the installation of new structures and replacement structures;
4. Accessory structures, including but not limited to sheds (pre-built and site built), gazebos & pergolas, carports, detached structures (garages & pole buildings), agricultural buildings, greenhouses, solar panel installations (ground and structure mounted), retaining walls;
5. Additions and renovations, including but not limited to wood decks, porches, sunrooms; siding, roofing (including structural sheathing or change in material such as shingle to metal), interior/exterior renovations, finished bonus room, finished basements, patios (concrete/brick/paver), fences, installation of new or additional HVAC units; and
6. All other construction activities for which the Town Code specifically requires building permits.

b. Building Permit Exceptions. Anything herein to the contrary notwithstanding, building permits shall not be required for the following:

1. Playhouses, swings and other playground equipment accessory to a residential dwelling and situated on a residential dwelling lot;
2. In-ground and above-ground pools;
3. Gas fireplaces and other fireplace inserts;
4. HVAC replacements;
5. Flooring;
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work;
7. Replacement of existing interior or exterior doors, or two or less existing windows;
8. Sidewalks and driveways; and
9. Electrical and plumbing.

c. Application. A building contractor, property owner, or other person responsible for overseeing construction activities shall submit an application for a town building permit that contains the information outlined below. The submission of false or misleading information shall be a violation of this Ordinance.

1. The address of the property where the construction activities will occur and the name and address of the property owner;
2. A description of the construction activities to be performed, and if required by the building inspector to more fully understanding the construction activities, detailed schematic drawings, plans, and/or specifications for the construction activities;
3. The estimated cost of the construction activities;

4. The proposed use for the property, including the nature of any proposed business or commercial purpose;
5. Proof of contractor's insurance for all building contractors, including the name, address, and phone number of the insurance agents; and
6. The name, address, and telephone number of all building contractors performing construction activities at the property. A general contractor shall be responsible for the business license fees for any subcontractor whose name, address, and phone number were not identified in the application and performed work without a town business license.

d. Issuance of Building Permits. The Town Council may issue building permits and perform the corresponding inspections for all construction activities in the Town of Greenwood and/or the Town may appoint an outside contractor to perform these duties. An outside contractor may be an individual or entity, including a government entity.

e. Building Permit Fee. The building permit fee shall be established by the Town Council via resolution. If the Town Council appoints a government entity to issue building permits and perform inspections, the Town Council may adopt the same building permit fee structure as the government entity. No building permit shall be issued until the building permit fee has been paid.

f. Revocation of Building Permit. The Town of Greenwood, its employees or agents may cancel or revoke a building permit for any of the following:

1. Any material misrepresentation or false statement in a building permit application;
2. Any material variation, deviation, or departure from the building permit; or
3. Any false statement or misrepresentations as to a material fact relating to the construction activities.

Upon the cancellation or revocation of any building permit, no additional work shall be done except as directed by the building inspector to protect life or property, until the terms of the building permit shall be complied with or until a new building permit shall be issued, including the payment of the fee for reinstating the building permit.

Section 4. Duration and Expiration of Permits. Building permits shall be valid for one year from the date of issuance of the building permit. If construction activities authorized by a building permit are not completed prior to the permit's expiration, construction activities shall cease and a new building permit must be applied for and obtained, including the payment of a building permit reissuance fee, before construction activities may continue.

Section 5. Certificate of Occupancy. Upon the completion of construction activities, the Town shall issue a certificate of occupancy once the certificate of occupancy fee has been paid and the property has passed the final inspection performed by the Town. If a property that was not lawfully inhabited throughout the duration of the construction activities is occupied prior to a certificate of occupancy being issued, the property shall be vacated until the certificate of occupancy is issued.

Section 7. Civil Penalties and Enforcement.

a. Ordinance Enforcement. The building inspector shall issue a citation and civil penalty for violations of this Ordinance to the owner of the property where the violation occurred and, if known, to the building contractor performing the construction activities. The property owner and building contractor shall be jointly and severally responsible for the civil penalty. The citation shall include the appeals procedures outlined herein, and shall be posted on the property and either hand delivered or mailed via certified mail to the property owner and any building contractor identified in the citation.

b. Civil Penalties.

1. If construction activities commence prior to the issuance of a building permit, or if a property is occupied prior to the issuance of a certificate of occupancy, the unpaid town building permit fee or certificate of occupancy fee shall be twice the amount of those fees most recently adopted by the Town, which fees shall constitute and be collected as a civil penalty.
2. The civil penalty for all other violations of this Ordinance shall be One Hundred Dollars (\$100.00). Each and every day that a violation of this Ordinance continues shall constitute a separate violation.
3. Civil penalties may be collected through any lawful means available, including by adding unpaid civil penalties to the property tax bill of the property that was the subject of the civil penalty as authorized by 25 *Del. C.* § 2901(a)(1)(i).

c. Appeals Procedures. Whenever a building permit application has been rejected or a citation and civil penalty have been issued hereunder, the building contractor, property owner, or any other responsible person shall have fifteen (15) days from the date of the citation or the building permit application rejection to file a written appeal with the Town Clerk. The Town Clerk shall schedule a date for the town council to hear the appeal, which hearing shall be held as soon as practical within fifteen (15) business days of the date of the appeal. The appellant and all other persons affected by the construction activities shall have the right to be heard at the hearing.

d. Legal Action. Anything herein to the contrary notwithstanding, the Town Council or the building inspector may initiate any civil legal action in the name of the Town of Greenwood, at law, in equity, or otherwise, in any court of competent jurisdiction, including but not limited actions seeking injunctive or other affirmative relief.

Section 8. Repealer. All ordinances and parts of ordinances heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.

Section 9. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town

Council's intent.

Section 10. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

Synopsis

This ordinance identifies those construction activities that require a building permit and sets forth exceptions thereto. The ordinance specifies what application information is required to obtain a building permit, and it authorizes the Town to use an individual or entity, including a government entity, to assist with issuing building permits and inspections. The Town is authorized to establish building permit fees, and the conditions under which building permits may be revoked are identified. This ordinance specifies enforcement procedures, including civil penalties and appeals procedures. All previously adopted ordinance inconsistent with this ordinance are repealed to the extent of any inconsistencies.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on Aug. 12, 2020.

Attest: Lisa D. Calvert
Town Clerk

So Certifies:

Ronald R. Brown
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on Aug. 17, 2020.

8/17/20
Date

So Certifies:

Lisa D. Calvert