

Sponsor: Councilwoman Brown
First Reading: 05/07/14
Second Reading: 06/02/14
Third Reading: 06/16/14
Ord. No.: 009-14

AN ORDINANCE TO AMEND CHAPTER 18 (“BUILDINGS AND BUILDING REGULATIONS”), ARTICLE XII (“REDEVELOPMENT AUTHORITY”), DIVISION 1 (“REDEVELOPMENT AUTHORITY PURSUANT TO DELAWARE CODE”) TO DESIGNATE A PUBLIC BODY SEPARATE FROM THE TOWN COUNCIL AS THE SMYRNA SLUM CLEARANCE AND REDEVELOPMENT AUTHORITY AND AUTHORIZE THE SAME TO ACT AS AN INTERMEDIARY IN THE USDA INTERMEDIARY RELENDING PROGRAM

WHEREAS, the Town of Smyrna is authorized to establish a slum clearance and redevelopment authority under 31 *Del. C.* Chapter 45 (“Slum Clearance and Redevelopment Authority Law”);

WHEREAS, the Town Council of the Town of Smyrna established the Town Council as the Slum Clearance and Redevelopment Authority pursuant to an Ordinance and Resolution dated June 4, 2004; and

WHEREAS, the Town Council is of the opinion that the interest of the Town of Smyrna will be best served by establishing a body separate from the Town Council to serve as the Redevelopment Authority.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Sec. 18-501 (“Definitions”) by making insertions as shown by underlining and deletions as shown by strike through as follows:

Authority, redevelopment authority or slum clearance and redevelopment authority means ~~the town council~~ the Smyrna Slum Clearance and Redevelopment Authority appointed by the Town Council of the Town of Smyrna and authorized to exercise ~~exercising~~ the powers, rights and duties of a slum clearance and redevelopment authority pursuant to chapter 45 ("slum clearance and redevelopment law") of title 31 ("welfare") of the Delaware Code, as amended, and such other powers, rights, and duties outlined in the Town Code ~~the Town Charter~~.

Section 2. Amend Sec. 18-502 (“Declaration of necessity by town council”) by making insertions as shown by underlining and deletions as shown by strike through as follows:

The town council hereby adopts the legislative finding declared in section 4502 of title 31 ("welfare") of the Delaware Code (as amended). The town council has determined that there

exist in the town one or more slum and blighted areas (as defined in section 4501 and pursuant to section 4504 of title 31 of the Delaware Code). These areas constitute a serious and growing menace, injurious and inimical to public health, safety, morals and welfare of the residents of the town, and constitute an economic and social liability which substantially impairs the sound growth of the town. The existence of such slum and blighted areas necessitates expenditure of public funds for the preservation of public health and safety. The town council has determined it is in the public interest that conditions of slum and blight be eliminated and that the redevelopment, rehabilitation, conservation, or combination thereof, of such areas is necessary in the interest of public health, safety, morals and welfare of the residents of the town (pursuant to section 4504 of title 31 ("welfare") of the Delaware Code). Such areas shall be redeveloped and reused for viable purposes in accordance with redevelopment plans of the town, thereby improving the economy of the town, reducing the threat of deterioration and blight, efficiently utilizing limited land resources, and improving the overall appearance and attractiveness of the town. The town council desires to encourage the rehabilitation, renovation, reconstruction, restoration, redevelopment and reuse of such areas by ~~vesting in the town council~~ establishing a public body vested with the powers, functions and duties provided in chapter 45 ("slum clearance and redevelopment law") of title 31 ("welfare") of the Delaware Code for a "slum clearance and redevelopment authority". On the 21st day of June, 2004, and again on the ___ day of ___, 2014, the town council adopted a resolution, pursuant to sections 4504 and 4518 of title 31 ("welfare") of the Delaware Code, wherein the town council adopted the aforementioned declaration of necessity.

Section 3. Amend Sec. 18-503 ("Creation of authority") by making insertions as shown by underlining and deletions as shown by strike through as follows:

On the ___ day of ___, ~~2014~~ 21st day of June, 2004, the town council adopted a resolution, pursuant to section 4503 of title 31 ("welfare") of the Delaware Code, establishing a public body vested with ~~vesting in the town council~~ the powers, functions and duties provided in chapter 45 ("slum clearance and redevelopment authority law") of title 31 ("welfare") of the Delaware Code for a "slum clearance and redevelopment authority". This body shall hereafter be formally referred to as the Smyrna Slum Clearance and Redevelopment Authority or informally as the Smyrna Redevelopment Authority.

Section 4. Amend Sec. 18-504 ("Powers, functions and duties of authority") by making insertions as shown by underlining and deletions as shown by strike through as follows:

Pursuant to ~~section 4.2.2 of the Town Charter~~ and chapter 45 ("slum clearance and redevelopment authority law") of title 31 ("welfare") of the Delaware Code (as amended), ~~the town council is~~ Smyrna Slum Clearance and Redevelopment Authority is authorized and empowered to exercise the powers, functions and duties provided in chapter 45 of title 31 of the Delaware Code for a "slum clearance and redevelopment authority", said powers, function and duties being incorporated herein by reference. In order to carry out and effectuate the purposes and provisions of 31 Del. C. chapter 45, the Smyrna Slum Clearance and Redevelopment Authority is authorized to act on behalf of the Town as an Intermediary (as defined in 7 CFR 4274.302) in the United States Department of Agriculture Intermediary Relending Program.

SYNOPSIS

This ordinance amends Chapter 18 (“Buildings and Building Regulations”), article XII (“Redevelopment Authority”), Division 1 (“Redevelopment Authority Pursuant to Delaware Code”) to designate a body separate from the Town Council as the Smyrna Slum Clearance and Redevelopment Authority and to authorize the Smyrna Slum Clearance and Redevelopment Authority to act on behalf of the Town as an Intermediary in the USDA intermediary relending program.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2014.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the “Smyrna/Clayton Sun Times” on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this ordinance was published in the “Smyrna/Clayton Sun Times” on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Manager