

**AN ACT TO CREATE TOWN OF CLAYTON ORDINANCE ARTICLE 8.10  
ENFORCEMENT OF TOWN OBLIGATIONS**

**Ordinance #: 2025-05**

**Sponsor: Paisley**

THE TOWN OF CLAYTON HEREBY ORDAINS that 8.10 Enforcement of  
Town Obligations be created by making insertions as shown by underline as follows:

**ARTICLE 8.10 ENFORCEMENT OF TOWN OBLIGATIONS**

**Sec. 8.10-1. -Payment of resolution required.**

8.10-1.1 Prior to the issuance of any town services, utilities, permits, licenses or approvals, all outstanding financial obligations owed to the Town of Clayton and/or outstanding violations of the Town of Clayton Code of Ordinances shall be paid in full or resolved in full.

**Sec. 8.10-2.- Obligations which must be current.**

8.10-2.1 Applicants for Town services, utilities, permits, licenses or approvals shall be current on all of the following obligations to the Town of Clayton, prior to receiving such approvals:

- a. Property taxes and/or transfer taxes;
- b. Utility fees and/or usage charges;
- c. Trash fees
- d. Application fees;
- e. Permit fees, including building permits, plan review and inspection fees;
- f. License fees;
- g. Costs associated with any work or abatement action performed by Town of Clayton employees or contracted vendors in association with the violation of an ordinance or unsafe or illegal buildings and structures;
- h. Fines and civil penalties associated with local building, property maintenance, zoning, subdivision, drainage, sewer, housing, sanitation, animal or any code citations, tickets, or violations;
- i. Interest, penalties, fines, associated with any of the above-listed obligations;

j. Documented Code violations; and

k. Miscellaneous charges and fees.

**Sec. 8.10-3. - Enforcement.**

8.1-3.1 The Town of Clayton department responsible for approving an applicant's request for any Town services, utilities, permits, licenses or approvals shall have the responsibility to determine if the applicant is delinquent on any Town obligations outlined in section 8.10-2 above.

8.10-3.2 Upon the discovery of any outstanding obligations, the department shall notify the applicant that the request cannot be processed until the outstanding obligation is satisfied in full. Within ten (10) calendar days, the department supervisor shall provide the applicant with the reason for the denial in writing.

**Sec. 8.10-4. -Appeals.**

8.10-4.1 Any person, business, or entity that has been denied a request for any Town service, utility, permit, license or approval, may appeal that denial to the Town Manager.

8.10-4.2 Requests must be made, in writing, within twenty (20) calendar days of receipt of denial. Appeals made after twenty (20) calendar days will not be heard. All requests for an appeal shall include the rationale and any evidence supporting the appeal.

8.10-4.3 The Town Manager shall give the appellant an opportunity to be heard on the matter. The Town Manager will render a written decision within five (5) days of the hearing and will provide a copy of the decision to the appellant.

**Sec. 8.10-5. - Collection of financial debts.**

8.1-5.1 Financial obligations which remain unpaid are considered a debt to the Town of Clayton and shall be collected in the manner below in accordance with the Title 25 of the Delaware Code section 2901. Outstanding financial obligations shall:

- a. Be invoiced as part of the annual property tax bill for said property and collected as part of the Town property tax collection process, and if necessary;
- b. Be placed by the Town, as a lien against the property on which the violation occurred. The Town Solicitor shall, at the direction of the Town Manager, file the municipal lien with the Superior Court of Delaware.

SYNOPSIS:

This act provides the authority to ensure that all financial obligations owed to the Town of Clayton are current in order for anyone to receive town services, utilities, permits, licenses, or approvals. Additionally, this ordinance will help recover outstanding financial obligations, close open and expired building permits, and close code enforcement cases.

ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF CLAYTON

ON THE 15<sup>th</sup> DAY OF May, 2025.



MAYOR OF THE TOWN OF CLAYTON

ATTESTED TO BY:



CLERK OF THE TOWN OF CLAYTON

**ROUTING INFORMATION:**

Introduced on: 02/10/2025

Passed Law and Legislative Committee on: 04/30/2025

Approved by Town Solicitor on: 01/22/2025

Passed by Town Council on: 05/12/2025

Signed by Mayor on: 05/15/2025