

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, February 24, 2016  
Location: Town Hall, 39 The Circle, Georgetown, DE  
Time: 7:00 P.M. Regular Meeting

7:00 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of February 10, 2016 Town Council Minutes
5. Abandonment of Broad Alley
6. Bid Award – King Street Water Treatment Plant Upgrade
7. 1<sup>st</sup> Reading of Ordinance  
A. Ordinance #2016-3 Food Vendors
8. 2<sup>nd</sup> Reading and adoption of Ordinance  
A. Ordinance #2016-2 Removal of Snow or Ice
9. Departmental Reports  
A. Gene Dvornick – Town Manager
10. Public Comment
- II. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).

**ABANDONMENT OF  
BROAD ALLEY**

**FEBRUARY 10, 2016**



**TOWN OF  
GEORGETOWN**

**BROAD ALLEY**



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## PROPERTY OWNERS

Parcel	Address	Owner
1-35 14.20 290.00	308 Cedar Street	Barlow
1-35 14.20 291.00	306 Cedar Street	Barlow
1-35 15.17 1.00	106 North King Street	Jim Lee, Inc.
1-35 15.17 2.00	102 North King Street	Swift
1-35 15.17 4.01	301 East Laurel Street	Morales/Perez
1-35 15.17 8.00	109 Albury Avenue	Rowley

## ACTIONS TO DATE

- Request for consideration by Town Council (01/13/16)
- Public Notice regarding Intent to Abandon (01/21/16)
- Written Notice to Property Owners (01/21/16)
- Initiated Survey – John B. Roach Engineering (01/27/16)
  - Survey, Metes & Bounds, Property Allocation
- Public Hearing (02/10/16)
  - Record Open for 14 Days
- Formal Action (02/24/16)

## CONSIDERATIONS

- Easement for 8" Town Sewer Line
  - Extends down Broad Alley from Cedar Street to East Laurel Street

<p><b>ABANDONMENT OF BROAD ALLEY</b></p> <p><b>FEBRUARY 10, 2016</b></p>	 <p><b>TOWN OF GEORGETOWN</b></p>
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Gene Dvornick  
Town of Georgetown  
February 9, 2016  
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Should you have any questions, comments or concerns, please call at your convenience.

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Robert J. Duma, P.E.  
Project Engineer

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Enclosures

cc: William Bradley, Director of Public Works – Town of Georgetown  
Jason P. Loar, P.E., Principal – DBF w/o enclosures



## ORDINANCE NO. 2016-3

### AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 119, THEREOF, ENTITLED ICE CREAM PEDDLERS

WHEREAS, the Town Council recognizes the need to address Food Vendors.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET, HEREBY ORDAINS:

Section 1. Chapter 119, Ice Cream Peddlers, of the Code of the Town of Georgetown is hereby amended as follows:

#### Chapter 119. ~~Ice Cream Peddlers~~ Food Vendors

##### § 119-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### ~~PEDDLER~~ FOOD VENDOR

Includes a person who either has a fixed business location which is not a dwelling or building (e.g. vehicle, food cart) or who goes from place to place or from house to house by traveling on the streets by vehicle or otherwise and who carries with him or her food and/or beverages, including but not limited to ice cream and other frozen food products, goods, wares and merchandise for the purpose of selling or delivering them to consumers.

##### § 119-2. License required.

No ~~peddler of ice cream, ice cream products, water ices, frozen water products or frozen confectionery products of any kind or character~~ food vendor shall sell, solicit, dispose of or offer his goods, ~~wares or merchandise~~ or products for sale within the Town unless he first obtains a license issued by the Town.

##### § 119-3. Application for license; contents.

- A. An application for license under this chapter shall be made by the applicant, in writing, verified under oath, on forms approved by the Town Manager.
- B. The application shall be filed in the office of the Planning and Zoning Department and shall set forth the following information:

- 1) The name and permanent home address of the applicant at the time of the application.
  - 2) The name, ~~and~~ address **and principle shareholders or owners** of the **any firm or business** represented.
  - 3) All permanent home addresses of the applicant within the past three years.
  - 4) Proof of current and satisfactory compliance with the following:
    - a) Delaware State Business License.
    - b) Delaware Department of Public Health Food Establishment Permit.
    - c) ~~State of Delaware and Federal Criminal Background Check, copies of which shall be provided by the applicant, at his/her own expense, along with the application.~~
  - 5) A description of the vehicle to be used, if a motor vehicle is to be used, including:
    - a) The name and address of the owner of the vehicle as registered with the Delaware **appropriate State** Division of Motor Vehicles, **and a copy of the current, valid registration.**
    - b) A description of the vehicle, giving the name of the manufacturer, serial number, motor number ~~and the name of the person~~ and any other insignia appearing thereon.
    - c) The date of purchase of the vehicle and the name and address of the person from whom acquired.
    - d) If the applicant is not the owner, the interest of the applicant in said vehicle.
    - e) If any person, other than the applicant, has any interest whatsoever in the vehicle, the name and address and interest of each such person, **and a signed statement by each such person authorizing use of the vehicle for food sales.**
  - 6) **A statement as to w**Whether or not the applicant has been convicted of a crime or disorderly persons offense or violation of any **law or ordinance of the Town of Georgetown** ~~municipal ordinance~~ and the nature of each offense, if any, for which convicted.
  - 7) The names and addresses of persons or companies from whom the **food/beverage** products to be sold, disposed of or offered for sale under this chapter have been or are to be purchased for the purpose of resale in the applicant's business.
- C. If the applicant is an employee or representative of any person, there shall be appended to the application a letter from the employer or principal authorizing the applicant to act as his representative.
- D. **If a food vendor vehicle is to have a fixed or semi-fixed location from which sales will be conducted, a signed statement of permission from the property owner(s) (if other than the applicant) evidencing permission to conduct food vending at the location.**

§ 119-4. Investigation; issuance of license.

Upon the filing of the application, the Town Manager shall cause an investigation to be made concerning the facts therein set forth ~~and of the applicant's business and moral character as it~~

~~deems necessary for the protection of the public good.~~ If, as a result of such investigation, the applicant's ~~character and~~ business responsibility is found to be satisfactory and the products proposed to be sold, disposed of or offered for sale comply with all state laws relating to food and food product, then, upon approval of the application by the Town Manager and upon payment of the fee prescribed in § 119-7, the license shall be issued by the Planning and Zoning Department.

§ 119-5. Rights conferred by license; transferability; term.

- A. The license issued shall not authorize any person, except the person designated therein, to engage in business thereunder. The license shall not be transferable from person to person.
- B. Licenses issued under this article shall be valid ~~only from the first Saturday in May through Labor Day, inclusive.~~ **for a period of one calendar year. The applicant must apply for and secure a new license from the Town each calendar year.**

§ 119-6. Display of license.

Upon the issuance of a license, the Planning and Zoning Department shall furnish the licensee with a plate, badge or other evidence bearing a number corresponding to the number of license and the year in which it is issued. The plate, badge or other evidence shall be displayed at all times on a conspicuous part of the vehicle used by the licensee in the conduct of his business.

§ 119-7. Areas restricted; ~~hours of operation;~~ license fees.

- A. It shall be unlawful for any ~~peddler~~ **food vendor** to operate on or along North Bedford Street, South Bedford Street, East Market Street or West Market Street.
- B. ~~Hours of operation: first Saturday in May to Memorial Day and shall not begin prior to 3:00 p.m. and shall cease at 8:00 p.m.; Memorial Day through Labor Day shall not begin prior to 12:00 noon and shall cease at 8:00 p.m. Days of operation are Monday through and including Saturday. Sunday sales shall be prohibited.~~
- C. The fee for a license issued under this chapter for each annual period shall be **as outlined in § 98-6.** \$25 for each wagon, pushcart, automobile, bicycle or other vehicle or receptacle in which the products are carried or from which they are sold. In addition, a fee as outlined in **§ 98-4** for background checks shall be paid by each peddler and every agent or representative working for him or her.

§ 119-8. Misrepresentation of product.

No ~~peddler~~ **food vendor** licensed under this chapter shall misrepresent the character or quality of the merchandise offered for sale.

§ 119-9. Conduct of ~~peddlers~~ **Food vendors.**

No ~~peddler~~ **food vendor** licensed under this chapter shall importune or otherwise annoy any person for the purpose of effecting a sale.

§ 119-10. Compliance with food laws.

All products sold, disposed of or offered for sale under this chapter shall comply with all laws and ordinances of the Delaware Department of Public Health relating to food and food products.

§ 119-11. Suspension or revocation of license; hearing.

In addition to the penalty prescribed in § 119-12~~13~~, any license issued under this chapter may be revoked by the Town Manager for the violation of any provision hereof upon notice and hearing. A license may be suspended for a period of two weeks pending hearing. No part of the license fee shall be returned upon revocation of the license.

§ 119-12. ~~Violations and penalties~~ **Ice Cream and other frozen food products, additional requirements.**

~~Any person violating any provision of this chapter shall pay such fines as set out in Chapter 1, Article III, General Penalty.~~

- A. State of Delaware and Federal Criminal Background Check, copies of which shall be provided by the applicant, at his/her own expense, along with the application. **Applicant may be subject to such additional background or character investigations as the Town Manager deems necessary for the safety of the public.**
- B. Licenses issued under this ~~article~~ **section** shall be valid only from the first Saturday in May through Labor Day, inclusive.
- C. Hours of operation: first Saturday in May to Memorial Day and shall not begin prior to 3:00 p.m. and shall cease at 8:00 p.m.; Memorial Day through Labor Day shall not begin prior to 12:00 noon and shall cease at 8:00 p.m. Days of operation are Monday through and including Saturday. Sunday sales shall be prohibited.

§ 119-13. Violations and penalties.

Any person violating any provision of this chapter shall pay such fines as set out in Chapter 1, Article III, General Penalty.

Section 2. Chapter 98, Fees, of the Code of the Town of Georgetown is hereby amended as follows:

Chapter 98. Fees

§ 98-6. Licensing and permits.

The following fee schedule is hereby adopted for licensing and permits for the Town of Georgetown:

**Type**

~~Ice cream peddler~~ **Food vendor**

**Fee**

\$30.00

Section 3. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

\_\_\_\_\_  
William E West, Mayor

\_\_\_\_\_  
Steve M Hartstein, Secretary

1<sup>st</sup> Reading: February 24, 2016

2<sup>nd</sup> Reading: March 9, 2016

Adoption: March 9, 2016



## ORDINANCE NO. 2016-2

### AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 190 THEREOF, ENTITLED STREETS AND SIDEWALKS

WHEREAS, the Town Council recognizes the need to address on street parking with snow removal.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET, HEREBY ORDAINS:

Section 1. Chapter 190, Streets and Sidewalks, of the Code of the Town of Georgetown is hereby amended as follows:

#### Article I. Removal of Snow or Ice

§ 190-1. Unremoved snow or ice a nuisance.

§ 190-2. Removal by Town.

§ 190-3. Action by Town resulting from nonpayment of bill.

**§ 190-4. Placement or throwing of snow and ice upon Town Streets and alleys.**

**§ 190-5. Violations and penalties.**

§ 190-1. Unremoved snow or ice a nuisance.

Unremoved snow or ice, or both, remaining on a public sidewalk within the corporate limits of the Town of Georgetown for a period longer than ~~eight~~ **24** hours ~~of daylight~~ following the ceasing of the precipitation shall be and it is hereby declared to be a common public nuisance.

§ 190-2. Removal by Town.

If any owner or tenant shall permit snow or ice, or both, to remain on the public sidewalk abutting property owned or leased by him for a period longer than ~~eight~~ **24** hours ~~of daylight~~ following the ceasing of the precipitation, the Town Manager may proceed to cause to have said snow or ice removed, and, when completed, a bill for the cost thereby incurred in the name of the Town Manager of Georgetown shall, as soon as convenient thereafter, be presented by registered or certified mail, with return receipt requested, to said owner or lessee of said property.

§ 190-3. Action by Town resulting from nonpayment of bill.

If the bill so presented by the Town of Georgetown shall not be paid within 30 days following the delivery thereof by registered mail, it shall be lawful for the Town of Georgetown to institute an action in the corporate name in any court of competent jurisdiction within or without the State of Delaware for the collection of the debt and to collect the same in a manner now or hereafter provided for the collection of judgments.

**§ 190-4. Placement or throwing of snow and ice upon Town Streets and alleys.**

**It shall be unlawful for the owner or occupant of any premises in the Town of Georgetown to permit or allow snow to be pushed or thrown onto any street or road in the Town of Georgetown.**

**§ 190-5. Violations and penalties.**

**Any person violating any provision of this article shall pay such fines as set out in Chapter 1, Article III, General Penalty.**

Article IV. Snow Emergencies

**§ 190-15. Snow Emergency Routes.**

A. The snow emergency routes shall consist of the following streets:

East Market Street	West Market Street
North Bedford Street	South Bedford Street
Bridgeville Road	East Pine Street
West Pine Street	North Race Street
South Race Street	North Front Street
South Front Street	
East Laurel Street – North Bedford Street to North Race Street	
West Laurel Street – North Bedford Street to North Front Street	
Edward Street – North Bedford Street to North Front Street	
West North Street – North Bedford Street to DuPont Highway (RT 113)	
<b><u>Albury Avenue – East Market Street to Cedar Street</u></b>	

B. Town Council may from time to time modify the designated streets by appropriate motion.

**Section 2.** This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

**BE IT ENACTED** by the Town Council of the Town of Georgetown, Delaware on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

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William E West, Mayor

1<sup>st</sup> Reading: February 10, 2016  
2<sup>nd</sup> Reading: February 24, 2016  
Adoption: February 24, 2016

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Steve M Hartstein, Secretary