

ORDINANCE NO. 14-04

AN ORDINANCE RELATING TO PROPERTY MAINTENANCE – WEEDS AND TRASH

THE COUNCIL OF THE TOWN OF FREDERICA HEREBY ORDAINS:

Section 1. That Section §305-10 of the Frederica Code of Ordinances shall be amended by striking the existing section and inserting in lieu thereof the following:

305-10. In the event that any owner, occupant or tenant of any premises, or any agent caring for or in charge of the premises within the Town shall permit refuse, rubbish, trash or other waste materials, including but not limited to unregistered or inoperable motorized vehicles, unregistered or inoperable recreational vehicles, unregistered or inoperable boats, unregistered or inoperable trailers, motors, appliances, building materials, construction debris or similar items to be placed or to accumulate upon land, premises of such property or improved premises or upon any street, alley, sidewalk, or public right-of-way within the Town limits, then the Code Official shall issue a summons showing a violation of this Ordinance, said summons to be served personally or by certified mail upon the owner, occupant, or tenant of the premises, or any agent caring for or in charge of the premises. The summons shall cite the violation of this Article or any national or local codes as adopted by the Town and shall be accompanied by a letter or a copy of the relevant provisions of the Article or any national or local codes as adopted by the Town stating what corrective action must be taken and shall state the consequences for failure to take such corrective action. If the violation is not corrected or abated within three (3) days from the date of personal service of the summons or within seven (7) days from the date of the mailing of the summons by certified mail, then the Town at the direction of the Code Official shall issue citations in accordance with the Town of Frederica Code of Ordinances and, in addition, shall have the said violation or violations corrected or abated by Town staff or contractor, which abatement shall include but not be limited to removing all refuse, rubbish, trash, unregistered or inoperable motorized vehicles, unregistered or inoperable recreational vehicles, unregistered or inoperable boats, unregistered or inoperable trailers, motors, appliances, building materials, construction debris or similar items and waste materials as so placed or so accumulated in violation of this Article or any national or local

codes as adopted by the Town and charge the responsible person all costs associated with the correction or abatement of the said violation or violations including but not limited to all administrative costs, contractors costs, court and attorneys' fees. The Town staff or contractor will enter or access the said property where the violation or violations exist to correct or abate the violation or violations. If at any time during the correction or abatement of the violation or violations there is an obstruction not allowing access onto the said premises where the violation or violations exist, then the obstruction shall be removed at the property owner's expense and if the obstruction is a motor vehicle then it shall be towed and stored at the property owner's expense. When the owner, occupant, or tenant of any premises, or any agent caring for or in charge of the premises has received summonses and fails to take corrective action, and the Town has corrected the violation in accordance with this section, then no further notification shall be necessary for the Town to take further correction action on any subsequent violations within the following twelve (12) month period starting from the date of the first corrective action by the Town.

Section 2. Severability. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional or violate the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 3 Effective Date. This ordinance shall become effective thirty days after adoption.

SYNOPSIS

This ordinance permits the town to abate code violations under certain circumstances.

Repealer: All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Date of Effect: The Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force thirty days from and after its approval by Council.

ORDAINED AND ENACTED INTO THE LAW by a majority vote of the Council Members present at a regular session of Frederica Town Council, Delaware on the 7th day of January, A.D. 2015.

First Reading: 12/17/14

Public Hearing and Second Reading: 1/7/15

Published: 12/20/14 + 12/21/14

William C. Glanden

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Mayor

I do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on January 7, 2015 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

Betty L. Martin

Clerk