

**TOWN OF FREDERICA  
ORDINANCE NO. 17-03**

**AN ORDINANCE AMENDING CHAPTER 305 RELATING TO  
PROPERTY MAINTENANCE**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN  
OF FREDERICA IN COUNCIL MET:

**Section 1.** That Section 305-4 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:

**§305-4** 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 city shall permit any grass, weeds, underbrush, deleterious or unhealthful growths or other noxious matter to grow to a height of six (6) inches or more as prohibited by this ordinance, then the Code Official shall issue a summons showing a violation of this Article, 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 and assess a \$25 administrative fee. The summons shall cite the violation of this Article and shall be accompanied by a letter or a copy of the relevant provisions of the Article stating what corrective action must be taken and shall state the consequences for failure to take such corrective action. The fine shall be as stated in §305-14. In addition, if the violation is not corrected within three (3) days from the date of personal service of the summons or within seven (7) days from the date of mailing of the summons by certified mail, then the Town at the direction of the Code Official may remove the weeds, grass, underbrush, deleterious or other unhealthful growths or other noxious matter growing to a height in excess of six (6) inches or more in violation of this Article and charge the responsible person One Hundred Fifty dollars (\$150.00) per man hour or portion thereof for such work that must be done to render the property in compliance with this Ordinance.

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 any further corrective action on any subsequent violations within the following eighteen-month period starting from the date of the first corrective action by the Town.

**Section 2.** That Section 305-10 of the Frederica Code be amended by striking the existing section and substituting 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 and assess a \$25 administrative fee. 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 abatements of the said violation or violations, including but not limited to all administrative costs, contractor's 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 than 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 corrective action on any subsequent violations

within the following eighteen (18) month period starting from the date of the first corrective action by the Town.

**Section 3.** That Section 305-12 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:

**§305-12. Violations and penalties**

Any person convicted of a violation of this Article, regardless of corrective actions taken, shall be punished for that violation by a fine of not less than one hundred and fifty dollars (150.00) nor more than seven hundred dollars (700.00). Any such fines shall be in addition to any charges or assessments imposed upon the violator pursuant to this Article. All fines imposed shall be in accordance with the minimum fine schedule set out herein and shall not be subject to suspension.

**Section 4.** That Section 305-14 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:

**§305-14. Fine schedule.**

Any fine assessed pursuant to this article shall be no less than the minimum amount set out in the following schedule:

First offense.....	\$150.00
Second offense.....	\$250.00
Third and subsequent offenses.....	\$350.00

In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of causing or permitting the same nuisance at the same location within the past eighteen (18) months, or for everyday that the violation of this Article continues.

**Section 5.** That Section 305-17 of the Frederica Code be amended

by striking the existing section and substituting in lieu thereof the following:  
§305-17. Abatement.

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 the external placement of any upholstered furniture, including mattresses, not designated or manufactured for exterior use, then the Mayor or his authorized agents 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 Ordinance and shall be accompanied by a letter or a copy of the relevant provisions of the Ordinance 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 within three days from the date of personal service of the summons or within seven days from the date of mailing of the summons by certified mail, then the Town at the direction of the Code Enforcement may remove such furniture placed in violation of this Ordinance and charge the responsible person \$150 per man hour or portion thereof for such work that must be done to render the property in compliance with this Ordinance. 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 any further corrective action on any subsequent violations within the following eighteen-month period starting from the date of the first corrective action by the Town.

**Section 6.** That Section 305-17 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:  
**§305-19.** Violations and penalties.

Any person convicted of a violation of this Ordinance, regardless of corrective actions taken, shall be punished for that violation by a fine of not less than \$150 nor more than \$700. Any such fine shall be in addition to any charges or assessments imposed upon the violator pursuant to this Ordinance. All fines imposed shall be in accordance with the minimum fine schedule set out herein.

**Section 7.** That Section 305-21 A of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:  
**§ 305-21.** Fine schedule.

- A. Any fine assessed pursuant to this Ordinance shall be no less than the minimum amount set out in the following schedule:
  - (1) First offense: \$150.
  - (2) Second offense: \$250.
  - (3) Third and subsequent offenses: \$350.

**Repealer:** All ordinances and part of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

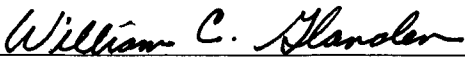
**Effective Date:** This ordinance shall become effective thirty days after adoption.

**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 6<sup>th</sup> day of September, A.D. 2017.

First Reading: August 16, 2017

Public Hearing and Second Reading: September 6, 2017

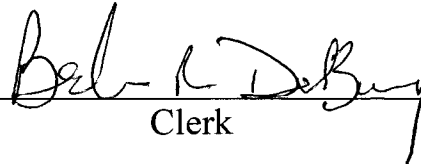
Published: September 12, 2017



William C. Glanden

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 September 6, 2017 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.



Clerk

### **SYNOPSIS**

This Ordinance amends Articles II and III of Chapter 305 by increasing fines for violations, increasing the charges for abating violations.