

ORDINANCE NO. 15-04

AN ORDINANCE RELATING TO ABATEMENT OF VIOLATIONS

THE COUNCIL OF THE TOWN OF FREDERICA HEREBY ORDAINS:

Section 1. That the Frederica Code of Ordinances shall be amended by adding a new chapter to read as follows:

CHAPTER 70 ABATEMENT OF VIOLATIONS

Sec. 70-1 Duties of Code Official

In the event that any premises or property within the Town shall be in violation of the Town of Frederica Code of Ordinances or any national or local codes adopted by the Town, including, but not limited to, the International Property Maintenance Code, the Code Official shall issue a summons showing the violation(s) of this Ordinance, said summons to be served personally or by certified mail upon the owner, occupant, or tenant of the premises or property, or any agent caring for or in charge of the premises or property. The summons shall

(a) cite the provision(s) of the Town of Frederica Code of Ordinances, national or local codes as adopted by the Town violated by the property;

(b) shall be accompanied by a copy of the relevant provision(s) of the Town of Frederica Code of Ordinances or any national or local codes as adopted by the Town;

(c) shall state what corrective action(s) must be taken; and

(d) shall state the consequences for failure to take such corrective action.

Sec. 70-2 Abatement

If the violation(s) 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 Code Official cause the said violation(s) to be corrected or abated by Town staff or a third-party contractor. The

Town staff or contractor will enter or access the said property where the violation(s) occur to correct or abate the violation(s). If at any time during the correction or abatement of the violation(s) there is an obstruction not allowing access onto the said premises where the violation(s) has occurred, 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.

Sec. 70-3 Recovery of costs

All costs associated with the correction or abatement of the said violation(s) including, but not limited to, all administrative costs, contractors costs, court and attorneys' fees, shall be assessed against the property.

Sec. 70-4 Repeat violations

When the owner, occupant, or tenant of any premises or property, or any agent caring for or in charge of the premises or property has received summonses, failed to take corrective action, and the Town has corrected the violation(s) 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.

Sec. 70-5 Fines

Nothing in this Chapter shall be construed to restrict the ability of the Code Official from issuing citations and prosecuting responsible parties for the violation of any provision of the Town of Frederica Code of Ordinances or any national or local codes adopted 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 clarifies the Town's ability to abate code violations.

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 4th day of NOVEMBER, A.D. 2015.

First Reading: September 16, 2015

Public Hearing and Second Reading: NOVEMBER 4, 2015

Published: Oct. 17 & 18, 2015

William C. Glanden

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

Janet M. White

Clerk