

**TOWN OF FREDERICA
ORDINANCE NO. 17-04**

**AN ORDINANCE AMENDING CHAPTER 365 RELATING TO
PROPERTY MAINTENANCE**

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

Section 1. That Section 365-21 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:
§365-21. It shall be unlawful for snow to remain upon sidewalks within the Town for more than 12 hours after the time when the last major snow flurry has ceased, except that with snow terminating in the nighttime, if for the purpose of this section, the running of the 12-hour period shall be considered to have started with 6:00 o'clock a.m. of the following day. Failure to comply with this section shall confer unto the Town the right and authority to remove such snow, and such non-compliance will subject the property occupant to a charge of \$75 per man hour for removal of the said snow. This Section applies solely to the occupant of the premises before which the sidewalk exists, unless such premises are unoccupied, in which case it shall apply instead to the owner or lessee thereof, as the case may be.

Section 2. That Section 365-22 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:
§ 365-22. Any person, firm, or corporation violating any provisions of this Article, excluding any provision wherein a specific penalty is set forth, shall be fined not less than \$75.00 nor more than \$200 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 3. That Section 365-24 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:

§365-24. Abatement by Town

If within five days after due notice by the Code Enforcement Officer of a violation of this ordinance, the problem has not been corrected, the property owner shall be guilty of a violation and upon conviction shall be fined not less than \$75.00 or more than \$200 for each offence and each day of continuing violation will be deemed a separate offence. In the event such trees, bushes, or shrubs are not trimmed or removed by the required time, the Town may cause such trees, bushes, or shrubs to be removed. If the Town incurs any expenses in removal of the violation, it may maintain a civil action suit for the recovery thereof against such property owner guilty of such violation. In the alternative, the Town may cause a lien to be filed against the property and add the expenses to the next tax bill. No civil liability shall attach to any act of any contractor or Town employee engaged in carrying out this section.

Section 4. That Section 365-25 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:
§365-25. Snow removal required.

It shall be unlawful for the owner or occupant of any premises abutting upon a sidewalk to permit or allow snow or ice to remain thereon for longer than 12 hours of daylight after it has ceased snowing, or to permit debris or other materials to accumulate at any time so that pedestrians may conveniently and safely pass. Signage of 12-hour limit and fines for violation will be posted at convenient locations in Town. No written warnings will be sent out of violation.

Section 5. That Section 365-28 of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:

§365-28. Abatement by Town.

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 grass or weeds to grow on the sidewalk, 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 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 Maintenance employee at the direction of the Council may remove the grass or weeds growing on the sidewalk in violation of this Ordinance and charge the responsible person \$150 per man hour 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 365-30 of the Frederica Code be amended

by striking the existing section and substituting in lieu thereof the following:
§365-330. 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 \$75 nor more than \$200. 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 365-32 A of the Frederica Code be amended by striking the existing section and substituting in lieu thereof the following:
§ 365-32. 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: \$75.
 - (2) Second offense: \$125.
 - (3) Third and subsequent offenses: \$200.

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 1st day of November, A.D. 2017.

First Reading: October 4, 2017

Public Hearing and Second Reading: November 1, 2017

Published: NOVEMBER 8, 2017

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 November 1, 2017 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

Barb R. Dehry
Clerk

SYNOPSIS

This Ordinance amends sections of Chapter 365 relating to snow removal from sidewalks and by increasing fines and charges for abating violations of the provisions of Chapter 365.