

Sponsor: B TALLENT
First Reading: 3-1-14
Second Reading: 4-1-14

ORDINANCE NO. A-13

AN ORDINANCE TO COMPEL ALL PROPERTY OWNERS AND OCCUPANTS OF PROPERTY WITHIN THE PHYSICAL BOUNDARIES OF THE TOWN OF GREENWOOD TO ELIMINATE NUISANCES MARRING THE ATTRACTIVENESS OF THE TOWN AND ENDANGERING THE HEALTH AND SAFETY OF THE RESIDENTS AND CREATING HAZARDS TO THE PRESERVATION OF THE PROPERTY OWNED OR OCCUPIED OR CONTIGUOUS THERETO AND TO PROVIDE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

WHEREAS, under Sections 29(a)(2), (8), (9), & (11) of the charter of the Town of Greenwood, the Council is specifically authorized to enact ordinances relating to the health, peace, safety, cleanliness, ornament, good order and public welfare within the community for its residents and is further empowered to enact ordinances relating to nuisances and providing for the removal or abatement thereof, and to impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions;

NOW THEREFORE, be it ordained by the Mayor and Council of the Town of Greenwood, in council duly met, that the previous Ordinance No. A-13, including all amendments thereto, is hereby repealed in its entirety and replaced with the following, to wit:

SECTION I

The maintaining of dilapidated buildings or structures of any kind on any property within the corporate limits of the Town of Greenwood which constitutes a hazard to life and property or unreasonably mars the attractiveness of the community, shall be and is hereby declared to be a hazard and a public nuisance.

SECTION II

Any trash, junk, refuse, rubbish, garbage, severed bushes, trees, plants or parts thereof, empty cans or bottles and containers of all kinds maintained on any property is hereby declared a health hazard and a public nuisance.

SECTION III

Any accumulation of discarded clothing or vehicles, furniture and materials or products of every kind maintained so as to mar the neat and attractive appearance of the property or create continuing offensive odors, or to attract rodents, encourage the existence or breeding of animals or insects or birds that may create a hazard to health or be a continuing deterrent to the attractiveness of the community, is hereby declared a nuisance.

SECTION IV

Any parking, storing, or accumulating of carcasses of animals or refuse therefrom within the town limits of the Town of Greenwood that is not artificially preserved to eliminate all decay and odor is hereby declared a health hazard and a public nuisance.

SECTION V

It shall be unlawful for the owner or occupant of any premises in the Town that abuts the front or side of a sidewalk, pavement, or walkway, to permit or allow snow or ice to remain thereon for a period longer than 24 hours after it has ceased snowing. It shall be unlawful for the owner or occupant of any premises abutting a street intersection in the Town to pile or permit to allow snow to remain piled on the side of any street so as to cause a visual or physical obstruction to traffic at any such street intersection. Any snow or ice that remains on such sidewalks, pavement, or walkways or that is piled so as to cause a visual or physical obstruction in violation of this ordinance is hereby declared a nuisance.

SECTION VI

Any person, firm or corporation that commits a nuisance, whether through actions or the failure to act, in the manner heretofore described shall receive written notice to abate, tear down, remove or eliminate the nuisance, specifically designated in the notice, within a stated but reasonable time as determined by the Town Manager (or his/her designee). Whoever refuses or neglects to comply with the requirements of such notice within the time specified shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than \$100.00 for each offense and every day that such nuisance shall be permitted to exist after the expiration of the time limit in said notice shall be deemed a separate and additional offense. When the party determined by the Town Manager (or his/her designee) to be committing a nuisance fails to eliminate the nuisance within the time specified in the notice, the Town Manager (or his/her designee) may, at his/her election, and with the approval of the Mayor and Council, proceed to abate the nuisance at the expense of the persons or entities responsible therefore. Upon refusal of such party to pay the cost of the elimination of the nuisance, the Town Council may institute action in any court of the State of Delaware or elsewhere to recover the cost of the abatement of such nuisances, together with interest thereon, and in such other manner and through such procedures as are additionally allowed in the charter of the Town of Greenwood or by law or statute provided therefor wherever the offender may be found.

SECTION VII

The Town Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect and be in force from and after its approval by Council.

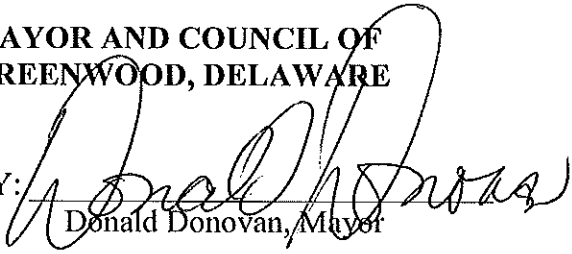
SYNOPSIS

This ordinance declares as nuisances the maintaining of dilapidated buildings, the accumulation of trash and other rubbish, the accumulation of discarded clothing, vehicles, furniture, materials, and animal carcasses. This ordinance requires owners and occupants to shovel abutting walkways within 24 hours of snow falling, and prohibits owners and occupants from piling snow in such a way so as to cause a visual or physical obstruction to traffic. This ordinance outlines enforcement mechanisms for those violating the provisions outlined herein.

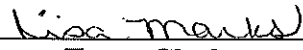
PASSED by a majority of the elected members of the Town of Greenwood, Delaware, this 1ST day of April, 2014.

**MAYOR AND COUNCIL OF
GREENWOOD, DELAWARE**

ATTEST: _____ (SEAL)
Willard T. Russell, Secretary

BY: 
Donald Donovan, Mayor

This shall certify that this is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Greenwood at a duly called and duly noticed meeting of the Town Council at which a quorum was present held on 4-1-14, 2014.



Town Clerk