



## **ORDINANCE 2023-06**

### **AN ORDINANCE TO CREATE A NEW CHAPTER OF THE CODE OF THE TOWN OF BRIDGEVILLE AS IT RELATES TO NUISANCE PROPERTIES**

**WHEREAS**, the Commissioners of Bridgeville have all powers granted to municipal corporations and to cities by the Constitution and general law of the State of Delaware, including the implied powers necessary to carry into execution all the powers granted; and

**WHEREAS**, the Commissioners are of the opinion that an addition to the Code as it relates to nuisance properties is necessary for the health, peace, safety and well-being of the residents of Bridgeville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF BRIDGEVILLE** to read as follows:

**Section 1.** That Ordinance 2023-06, attached hereto, is hereby adopted as an ordinance of the Town of Bridgeville.

**Section 2.** This Ordinance shall become effective upon its adoption by a majority of all Commissioners.

(signature page at end)

#### **Chapter 92 – Nuisance Properties**

**§92-1. Nuisance defined:** “Nuisance” means anything unwholesome, dangerous, offensive, or unhealthy, which constitutes a menace to the health and safety of the public, or any structure which, due to a structural defect or dilapidation, has become dangerous to life or property.

“Nuisance” includes, but is not limited to:

- a) Unsanitary disposal of trash, garbage, debris, construction wastes or compost;
- b) Unburied dead animals;
- c) The accumulation of water causing mosquito or other vector breeding or proliferation;
- d) Rodent or insect infestation;
- e) The accumulation of bees, fowl, bats, wasps, or other venomous pests or animals in such a manner as to create a condition that may be injurious to public health or safety;
- f) Hazards, such as open excavations, open wells, pits, trees or parts thereof in danger of falling, discarded appliances, unsecured vacant structures, or habitation for bats, wasps, or other venomous pests;
- g) Allowing bird infestation within a dwelling or bird roosts accompanied by droppings in such quantities that create conditions conducive to an unhealthful or disease-causing condition; and
- h) Maintaining a property in such a manner that it creates conditions conducive to rodent harborage and is an annoyance or potential health hazard to neighbors.
- i) Any accumulation of materials which, by itself or in conjunction with any other substance or substances, is deleterious to public health, safety, or comfort.
- j) Any wrecked, dismantled, or inoperable vehicles as defined in Chapter 220 which, by itself or in conjunction with any other substance or substances, is deleterious to public health, safety, or comfort.
- k) Any common growth of underbrush or other unattended growth other than flowers, ornamental shrubs, and bushes, or trees), trash, debris, litter, or rubbish capable of harboring obnoxious insects of any kind, such as ticks, mosquitoes or flies, or any vermin-carrying rodents or skunks.
- l) Any damaged, discarded, abandoned, or unused appliance, furniture, fixture, equipment, tires, dishes, utensils, glassware, containers, propane tanks, or other similar items of personal property on any private property NOT completely enclosed within a roofed building or on any sidewalk, street or abutting such property.

**§92-2 Applicability; entry on premises; prosecution.**

A. The provisions of this Article shall apply to any real property within the corporate limits of Bridgeville.

B. The decision of the Code Official as to whether a particular situation is a nuisance, as herein defined, shall be final, and if articles of property have been mixed with other articles not constituting a nuisance, as herein defined, the Code Official shall be entitled to treat all such mixed articles as a nuisance.

C. The Town of Bridgeville, its officers, employees, agents, or contractors are hereby authorized to enter upon any real property within the Town of Bridgeville to remove such nuisance as necessary and to do any and all other matters upon such property as are reasonably necessary and proper to enforce this article.

D. The correction of any condition by the Town of Bridgeville under the authority of this article shall not relieve the owner of the property on which such condition existed or arose from criminal prosecution or punishment, whether misdemeanor or municipal infraction, for having caused or allowed such unlawful condition to arise or from having failed or refused to correct the same.

**§ 92-3 Issuance of notice; compliance required.**

The Town of Bridgeville Building Official is hereby authorized to notify the owner of the property as determined by the official tax rolls of the Town of Bridgeville to remove or properly dispose of the nuisance from the subject property.

**§ 92-4 Authority of Town to correct nuisance when owner fails to do so.**

Upon the failure, neglect, or refusal of any owner so notified to remove or properly dispose of such nuisance within 10 days after service of notice, as provided for in this article, the Town of Bridgeville Building Official is hereby authorized and empowered to cause such condition to be corrected by removing and disposing of such nuisance and is hereby authorized and empowered to pay for the disposing of such nuisance. The owner of any property located within the corporate limits of the Town of Bridgeville having in any calendar year received notice pursuant to the provisions of this chapter shall be deemed to have received notice for the remainder of that calendar year.

**§ 92-5 Charge for Removal; Violations and penalties.**

A. When the Town of Bridgeville has effected the removal of such nuisance by its employees or has paid for the removal of such nuisance by its agents or contractors, the actual costs thereof and any related expenses, along with an administrative fee of \$100, shall be charged to the owner of such property, and if not sooner paid, such

charge will be carried on the records of the Town of Bridgeville and shall be collectible in the same manner as real estate taxes are collected.

B. When the Town of Bridgeville has, for the second time and any additional times at such property, effected the removal of such nuisance by its own employees or has paid for the removal of such nuisance by its agents or contractors, the actual costs thereof and any related expenses, along with an administrative fee of \$500, shall be charged to the owner of such property, and if not sooner paid, such charge will be carried on the records of the Town of Bridgeville and shall be collectible in the same manner as real estate taxes are collected.

C. Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions, Article II, Penalties.

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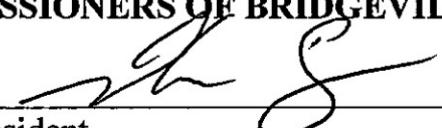
**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF BRIDGEVILLE** to read as follows:

**Section 1.** That Ordinance 2023-06, attached hereto, is hereby adopted as an ordinance of the Town of Bridgeville.

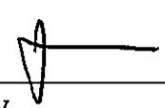
**Section 2.** This Ordinance shall become effective upon its adoption by a majority of all Commissioners.

**COMMISSIONERS OF BRIDGEVILLE**

By:

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

First Reading: DECEMBER 11, 2023

Second Reading: JANUARY 8, 2024

Adopted: JANUARY 8, 2024

**Synopsis**

This Ordinance was added to address Nuisance issues that are becoming more of a problem within the Town of Bridgeville so the Town can take the

appropriate action when homeowners allow their real property to become a dumping site of all types of materials and personal property.

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State of Delaware:

County of Kent:

Before me, a Notary Public, for the County and State aforesaid. G. Konrad La Prade, known to me to be such, who being sworn according to law deposed and says that he is the Publisher of **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of 12/31/23.

*G. Konrad La Prade*

Publisher  
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 31st Day of December, A.D., 2023



*Roxanne Brooks*  
\_\_\_\_\_  
Notary Public

**LEGAL AD  
PUBLIC HEARING**

The Commissioners of Bridgeville will meet on Monday, January 8, 2024, at the Bridgeville Public Library, 600 S. Cannon Street, Bridgeville, DE 19933, and also via Zoom. The Commissioners of Bridgeville will receive public comments concerning an Ordinance to Add Chapter 92 – Nuisance Properties to the Code of the Town of Bridgeville. The purpose of this ordinance is to add Chapter 92 to address nuisance issues that are becoming more of a problem within the Town of Bridgeville so the Town can take the appropriate action when homeowners allow their real property to become a dumping site of all types of materials and personal property. Written comments will be received no later than January 5, 2024. Meeting Information will be posted on the agenda and [bridgeville.delaware.gov](http://bridgeville.delaware.gov), along with materials related to each application, one week before the meeting date.

COMMISSIONERS OF BRIDGEVILLE  
BETHANY DEBUSSY  
TOWN MANAGER

631927 DSN 12/31/2023