

Town of Camden

P.O. DRAWER 1002
CAMDEN, DELAWARE 19934

Mayor Robert A. Mooney
Town Manager Donald H. Mulrine, Jr.

Ordinance #2008-O-16

AN ORDINANCE TO AMEND ORDINANCE #63 (MANUFACTURED HOME INSTALLATION CODE), 78 (BUILDING INSPECTION), 83 (PORTABLE TEMPORARY STORAGE UNIT), 84 (PLACEMENT OF DUMPSTERS), 88 (2006 INTERNATIONAL PROPERTY CODE – MAINTENANCE), 2007-101 (RENTAL LICENSE), 2007-103 (PARKING), 2008-O-04 (ANIMALS), 2008-O-08 (DANGEROUS BUILDING) AND 2008-O-13 (SOLID WASTE) OF THE TOWN OF CAMDEN CODE TO CREATE CIVIL PENALTIES AND A NEW APPELLATE PROCEDURE FOR CERTAIN PROVISIONS RELATING TO THE REMOVAL OF FECAL MATTER, HEALTH AND SANITATION, AND THE STORAGE AND DISPOSAL OF GARBAGE AND RUBBISH

WHEREAS, the Mayor and Council recognize that litter, weeds, garbage, rubbish and other offensive materials which are placed and/or permitted to remain on private and public property create an eye-sore and pose a threat to public health and safety; and

WHEREAS, the Mayor and Council believe that criminal penalties have not been sufficiently effective in deterring violations of the Town of Camden ordinance provisions relating to the removal of fecal matter, health and sanitation and the storage and disposal of garbage and rubbish; and

WHEREAS, the Mayor and Council believe that offenders failing to comply with these or any Town of Camden ordinance provisions to civil penalties will have more of a deterrent effect on this unlawful conduct, and will also eliminate the costs associated with criminalizing these violations; and

WHEREAS, the Mayor and Council deem it necessary and proper to permit the Department of Land Use, Inspections and the Department of Public Works to issue citations imposing civil penalties immediately upon first becoming aware of a failure to comply with these provisions; and

WHEREAS, the Mayor and Council intend for any unpaid amounts of the civil penalties for failure to comply with the Town of Camden ordinance provisions to be added to the Town of Camden property tax billing for the property that was the subject of the citation and for the unpaid civil penalties to give rise to a lien on such property, as permitted under Title 25, Section 2901 of the Delaware Code; and

WHEREAS, the Mayor and Council intend to create a new appellate procedure applicable to the civil penalties imposed pursuant to these specific Town of Camden ordinance provisions to make the appellate procedure more efficient and ensure the uniform and proper application of these provisions;

THE MAYOR AND COUNCIL OF THE TOWN OF CAMDEN HEREBY ORDAIN:

SECTION 1

Section 1-1. Civil penalties.

- (a) Except in cases where it is otherwise provided by law or by the Town of Camden Charter, other provisions of this ordinance, any owner of a property who fails to comply with any of the provisions of this Ordinance or the rules and regulations of the Land Use Administrator and Code Enforcement Officer, or who is the owner of the property on which such non-compliance exists, or who shall oppose or impede an officer or authorized agent (SPCA) or employee of the Land Use Administrator and Code Enforcement Officer or the Department of Public Works in the execution of his duties under this Ordinance, issued for failure to comply with any provision of this Ordinance shall be mailed to the owner of the property that is the subject of the citation.
- (b) Pursuant to Title 25, Chapter 29 of the Delaware Code, any civil penalty imposed-pursuant to this Ordinance shall give rise to a lien. Any unpaid amounts of such civil penalty shall be added to the Town of Camden property tax billings for the property which was the subject of the citation. Each 24-hour period that the condition giving rise to the initial citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$100.00.
- (c) *Enforcement.* This Ordinance shall be enforced by the Land Use Administrator and Code Enforcement Officer and the Department of Public Works, whose authorized agents and employees shall have the power to issue citations for failure to comply therewith.

Sec. 1-2. Appeals.

The owner of a property aggrieved by any civil penalty imposed pursuant to this Ordinance may appeal to the Land Use Administrator and Code Enforcement Officer by sending a detailed written explanation of the grounds for the appeal, along with payment in full of the civil penalty, to the Land Use Administrator and Code Enforcement officer within twenty-one (21) business days of the date of the citation. The Land Use Administrator and Code Enforcement Officer shall forward payment of the civil penalty to the Department of Finance, which will credit such payment. The Land Use Administrator and Code Enforcement Officer or his or her designee shall issue a written decision affirming, modifying, reversing, revoking or vacating the civil penalty within forty-five (45) calendar days of receipt of the written explanation of the grounds for the appeal. Such decision shall be final. In the event the civil penalty is reversed, revoked vacated or decreased in amount, the appellant shall be reimbursed for payment of the portion of the civil penalty vacated or decreased. Each citation received must be appealed separately.

Section 1-3 Hearing before Council

The Council of the Town of Camden shall:

- a) Upon receipt of a report of the Building Inspector as provided for in Section \$, Subsection (g) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the records of the Recorder of Deeds of Kent County to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated or demolished in accordance with the

statement of particulars set forth in the building inspector's notice provided for herein Section 4, Subsection (f).

- b) Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the records of the Recorder of Deeds of Kent County shall offer relative to the "dangerous building".
- c) Make written findings of fact from the testimony offered pursuant to Subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 1 hereof.
- d) Issue an order based upon finding of fact made pursuant to Subsection © commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this ordinance, setting the time within which said building shall be repaired, vacated or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the Town as provided in Subsection (e) hereof.
- e) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection (d) hereof, within ten (10) days, the Council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 2 of this ordinance, and shall with the assistance of the Town Solicitor cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; Provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this Town, the Council shall notify the Town Solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.
- f) Report to the Town Solicitor the names of all persons not complying with the order provided for in Section 5, Subsection (d) hereof.

Section 1-4 Duties of the Town Solicitor

The Town Solicitor shall:

- a) Prosecute all persons failing to comply with the terms of the order provided for in Section 5, Subsection (d).
- b) Appear at all hearings before the Council in regard to "dangerous buildings".
- c) Bring suit to collect all municipal liens, assessments or cost incurred in repairing or causing to be vacated or demolished "dangerous buildings".
- d) Take such other legal action as is necessary to carry out the terms and provisions of this ordinance.

Sec. 1-5. Proof of state of mind not required for strict liability.

It is unnecessary to prove the violator's state of mind with regard to the failure to comply with any provision of this Ordinance, as the legislative purpose is to impose strict liability for such non-compliance.

SECTION 2. Town of Camden Ordinance No. 2008-O-04 (Animal) is hereby amended.

Sec. 2-1. Enforcement.

- (a) The Delaware Society for the Prevention of Cruelty to Animals may establish whatever regulations it deems necessary to facilitate enforcement of the provisions of this ordinance.
- (b) The Town of Camden police department, Land Use Administrator and Code Enforcement officer, and Department of Public Works shall enforce any and all regulations established to facilitate enforcement of this section ordinance.
- (c) The animal control officers shall have all powers and duties of police officers of the Town of Camden, limited however to the powers and duties incident to the enforcement of this ordinance and other statutes, ordinances and regulations concerning the registration of dogs, the prevention of annoyance therefrom, the prevention of cruelty to animals, and the taking u and impounding of animals at large. These powers and duties shall include the power to issue summonses compelling appearance in the court having jurisdiction to answer charges for violations of this ordinance.

Sec. 2-2. Accumulation of dog, cat, pigeon or other animal or domestic bird fecal matter.

- (a) Every person owning, possessing, harboring, tolerating or having the care, charge, control or custody of one or more dogs, cats, pigeons or other animals or domestic birds shall take all reasonable measures to prevent accumulation of fecal matter of the same in the area in which such animals or birds are customarily kept or customarily are allowed to stay or remain. No such person shall allow animal or bird fecal matter to accumulate so as to create obnoxious or offensive odors.
- (b) This section shall be enforced solely by the Land Use Administrator and Code Enforcement officer and the department of public works, whose authorized agents and employees shall have the power to issue citations for non-compliance herewith. A civil penalty shall be imposed for failure to comply with any provision of this section.
- (c) The owner of a property who allows fecal matter to accumulate or fails to remove an accumulation of animal fecal matter on his or her property, regardless of whether the owner actually resides in the property is subject to and liable for a civil penalty in the amount of \$50.00. This civil penalty shall be doubled if not paid within thirty (30) calendar days from the date of the citation. Pursuant to Title 25, Chapter 29 of the Delaware Code, any civil penalty imposed under this Section shall give rise to a lien. Any unpaid amount of such civil penalty shall be added to the Town of Camden property tax billing for the property which was the subject of the citation. Each 48 24-hour period that the condition giving rise to the initial citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- (d) Any citation issued for failure to comply with this Section shall be mailed to the owner of the property that is the subject of the citation.

- (e) *Appeals*—The owner of a property aggrieved by any civil penalty imposed pursuant to this section may appeal to the Land Use Administrator and Code Enforcement Officer by sending a detailed written explanation of the grounds for the appeal, along with payment in full of the civil penalty, to the Land Use Administrator and Code Enforcement Officer within twenty-one (21) calendar days of the date of the citation. The Land Use Administrator and Code Enforcement Officer shall forward the payment of the civil penalty to the Department of Finance, which will credit such payment. The Land Use Administrator and Code Enforcement Officer or his or her designee shall issue a written decision affirming, modifying, reversing, revoking or vacating the civil penalty within forty-five (45) calendar days of receipt of the written explanation of the grounds for the appeal. Such decision shall be final. In the event the civil penalty is reversed, revoked, vacated or decreased in amount, the appellant shall be reimbursed for the portion of the civil penalty vacated or decreased. Each citation received must be appealed separately.
- (f) *Proof of state of mind not required for strict liability*—It is unnecessary to prove the violator's state of mind with regard to the failure to comply with this Section, as the legislative purpose is to impose strict liability for such non-compliance.

SECTION 3

Sec. 3-1. Storage and disposal of garbage and rubbish.

- (a) Every dwelling and dwelling unit shall have adequate facilities and containers for the storage and disposal of garbage and rubbish, the type and location of which are approved by the Town of Camden. Garbage and rubbish shall be stored and disposed of in separate containers.
- (b) *Rubbish storage and disposal* – No dwelling or dwelling unit shall be deemed to comply with the requirements of this Section relating to rubbish storage and disposal unless the following requirements are met:
 - (1) *Outdoor storage.* Rubbish placed outdoors for storage or disposal must be placed in one or more rubbish storage containers meeting the requirements of subsection (d) of this Section.
 - (2) *Indoor storage.* Rubbish stored in a basement or cellar, or in an enclosed structure such as a shed, is stored in nonflammable containers.
 - (3) *Loose rubbish.* No loose rubbish is placed upon or strewn about the floor of any basement or cellar or other part of any dwelling, or on the ground surrounding any dwelling.
- (c) *Garbage storage and disposal* — No dwelling or dwelling unit shall be deemed to comply with the requirements of this Section relating to garbage storage and disposal unless the following requirements are met:
 - (1) Garbage is disposed of in a garbage incinerator located within the dwelling and installed and operated in a sanitary manner, where permitted; or garbage is disposed of in one or more containers meeting the requirements of subsection (e) of this Section; or garbage is disposed of in a garbage grinder which grinds garbage finely, and is discharged into the kitchen sink drain in a sanitary manner.
 - (2) *Outside garbage containers.* Every outside garbage container is so maintained and so located on the premises that no odors will permeate any dwelling or dwelling units. Every outside garbage storage container shall meet the requirements of subsection (e) of this Section and Ordinance #2008-O-13 – Solid Waste.

- (3) *Cleaning of containers.* Every container used for garbage storage or disposal is maintained in a clean manner.
- (4) *Loose garbage.* No loose garbage is placed upon or strewn about the floor of any basement or cellar or any other part of the dwelling, or on the ground surrounding any dwelling.
- (5) *Wrapping of garbage.* Garbage that is to be collected and removed by the collector of garbage shall be thoroughly drained of its moisture and wrapped in substantial paper, and placed in plastic bags, which are then securely closed. Such wrapped garbage shall be placed and stored awaiting removal or disposal in containers meeting the requirements of subsection (e) of this Section.
- (6) *Dumpster containers.* Every dumpster shall conform to all local, state and federal specifications.
- (d) *Rubbish containers.* Rubbish placed outdoors for storage or disposal must be placed in one or more of the following types of containers: rubbish storage boxes or containers, or metal or plastic rubbish cans. All such containers must have tightly fitting covers or lids, and must be flytight, rodentproof, non-flammable and reasonably waterproof.
- (e) *Garbage containers.* Each dwelling and dwelling unit having no other method accept to the Land Use Administrators and Code Enforcement and inspection and of public works, such as incinerators and/or grinders in accordance with subsection (c)(1) of this Section, shall have an adequate number of containers to accommodate all garbage placed outdoors for storage or disposal. Such containers shall be metal or plastic, shall have a capacity of not less than 15 gallons nor more than 100 gallons, shall be flytight, watertight, rodentproof and non-flammable, and shall be covered with tightly-fitting and watertight metal or plastic lids. The owner of a residential property, whether owner-occupied or occupied by others as a rental property, shall be responsible for providing at least one container for the disposal and storage of garbage meeting the requirements of this subsection for each individual dwelling unit. If deemed necessary by the Land Use Administrator and Code Enforcement officer, the owner of the property may be required to provide more than one such container for each dwelling unit.
- (f) *Placement of garbage containers for collection.* The placing of garbage containers upon the sidewalk or roadway for the collection and removal of their contents by the collector of garbage shall be done before 7:00 a.m. of the day of collection, but not before 7:00 p.m. of the day preceding the day set for collection. Such containers shall be removed from the sidewalk or roadway by the householder the same day that they are emptied by the collector.

SECTION 4. NUISANCES

Sec. 4-1. Weed control; accumulations prohibited.

It shall be unlawful, and the owner of the subject property shall be liable, for weeds or grasses growing or accumulating on land, including vacant lots, of which he or she is the owner, which includes, but is not limited to any public right-of-way or alley facing, adjoining or abutting the owner's property, regardless of whether the owner actually resides in or upon the property, so as to create a nuisance to health or safety thereon or to adjoining property; and in every case, a citation for failure to comply with this section shall be issued for weeds or grasses growing in the public right-of-way, including but not limited to growth occurring in cracks, fractures, expansion joints in the curbs and sidewalk, more than

four inches in height or six inches in width, and for weeds or grasses more than eight inches in height growing in any other location referenced in this section.

Sec. 4-2. Other hazards on lots.

It shall be unlawful, and the owner of the property shall be liable, for any vacant lot of which he is the owner to be used for the parking or storage of motor vehicles, whether operable or not.

Sec. 4-3. Removal of litter, weeds and other hazards, at violator's expense; inspection of buildings, dwellings, etc., generally; right of entry of enforcement officer.

- (a) The Town of Camden, through its Land Use Administrator and Code Enforcement Officer and Department of Public Works, may enter upon any lands located within the Town and finding upon such lands any item described in this Ordinance or Ordinance #88 or Ordinance #2008-O-08, may remove the accumulated matter at the expense of the owner of the subject property. Pursuant to Title 25, Chapter 29 of the Delaware Code, any costs incurred by the Town of Camden for the removal of such items shall give rise to a lien on the property from which such items were removed.
- (b) The Code Enforcement Officer is hereby authorized to make inspections to determine the condition of buildings, dwellings, and premises including the land on which the same are located and including vacant lots, located within the Town of Camden, in order that he may perform his duty of safeguarding the health and safety of the occupants of buildings, dwellings and land, and the general public. For the purposes of making such inspections, the code officer is hereby authorized to enter, examine and survey between the hours of 8:00 a.m. and 4:00 p.m. all buildings, dwellings, lands and premises. The owner or occupant of every building, dwelling, lands and premises, or the person in charge thereof, shall give the code officer free access to such building, dwelling, lands and premises during such time for the purpose of such inspection, examination and survey; provided, that such inspection, examination or survey shall not have for its purpose the undue harassment of such owner or occupant and that such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to such owner or occupant consistent with the efficient performance of the duties of the code officer.
- (c) Nothing in this section shall be construed to prohibit the entry of the code officer: (1) At any time when an actual emergency which tends to create an immediate danger to the public safety exists, or (2) at any time when such an inspection, examination or survey may be requested by such owner or occupant; provided, however, that any such requested inspection, examination or survey is otherwise authorized and, further, that nothing herein shall be construed to mean that the code officer is required to perform such requested inspection, examination or survey.
- (d) For the purposes of this section and the enforcement of the provisions of this Code, "code officer" shall mean and include the officer or other designated authority charged with the administration and enforcement of this Code and ordinance, and a duly authorized representative. After notice by the Land Use Administrator and Code Enforcement officer of its intent to conduct an inspection, any owner of property who opposes or impedes a code officer of the Town of Camden in the execution of his duty hereunder shall be subject to and liable for a civil penalty pursuant to this Ordinance section 2.1 – 2.4. In addition, if a code officer of the Town of Camden is denied

entrance to a building, dwelling, land or premises for purposes of inspection, he may, upon a showing of probable cause, obtain a warrant for purposes of entering and inspecting the building, dwelling, land or premises.

Sec. 4-4. Enclosure of vacant lots.

- (a) The Land Use Administrator and Code Enforcement Officer, at his/her discretion and based upon substantial evidence of the occurrence of criminal activities or offenses affecting the public health, safety and welfare in or on any vacant lot in the Town of Camden, may order the owner or agent for the owner of such vacant lot to erect or cause to be erected a fence of a height and type permitted by the zoning code along all or any part of the perimeter of such vacant lot.

Sec. 4-5. Disposal of trade or business waste.

- (a) Trade or business waste (other than garbage) from stores, business places and manufacturing establishments will not be collected by the Town of Camden garbage collection service and the removal of same shall be the responsibility of the owner of such stores, business places and manufacturing establishments. Trade or business wastes shall not be placed or be allowed to remain upon the streets or side walks at any time, except if placed in properly marked containers for collection by private trash collection services.

SECTION 5

Sec. 5-1. Maintenance.

- (a) The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, parks and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such grounds. It shall be the responsibility of the town, with the guidance of the town tree commission, to provide adequate maintenance for all Town Park and street trees.
- (b) The town may remove or order the removal of any tree or part thereof which is in a hazardous condition or which, by reason of its nature, is injurious to sewer and electric power lines, gas lines, waterlines or other public improvements or is infected with disease or infested with pest.
- (c) No person shall plant, spray, prune, remove, cut above or below ground or otherwise disturb any trees on any street or town owned property without first receiving permission from the town. Any town-owned tree removed by a property owner must be replaced at the property owner's expense unless prior approval for removal was received from the town.
- (d) Any town tree pruned by a property owner (or hired contractor) using pruning practices other than those defined in ANSI A300 that subsequently succumbs to disease, rot or pest infestation as a result of improper pruning techniques having been used, shall be replaced at the property owner's expense.
- (e) Any individual or firm contracted by the town or private property owner to provide pruning maintenance on town owned trees is required to follow ANSI A300 standard practices.

Sec. 5-2. Tree topping/pollarding.

It shall be unlawful for any person, firm, town department or utility company to "top" (see definitions) any street tree, park tree or other tree on public property. No town owned trees are to be exempted from this practice.

Sec. 5-3. Pruning of overhanging trees; costs.

Every property owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection. Trees shall also be pruned to a minimum height of 14 feet to provide a clear space above surface sidewalks and streets to allow for unobstructed passage of pedestrians and vehicles. Said owners shall remove dead, diseased or hazardous trees, or broken or decayed limbs that constitute a hazard to the safety of the public.

Upon finding any of the above conditions, the town shall cause the property owner to be notified of the problem(s) by certified mail, with return receipt requested. The property owner shall correct the problem in the specified time frame not to exceed 30 days. After that time period, the town and/or its contracted agent shall have the right to enter onto the property to prune any tree or shrub when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or interferes with the safe passage of pedestrians and vehicles. The property owner shall assume the cost of the maintenance and such charges shall constitute a lien on the property until paid.

Sec. 5-4. Removal/treatment of dead, diseased, pest infested or otherwise hazardous trees; cost.

- (a) The town shall have the right to cause the immediate removal of any tree(s) on town owned or private property when such tree(s) constitute a hazard to life or property in the public right-of-way.
- (b) The town shall have the right to notify private property owners by certified mail, with return receipt requested, to have diseased or pest infested trees on their property treated by an ISA certified arborist when said trees are in such close proximity to town trees so as to pose a threat to the health of the town owned trees. If the property owner does not comply with such request within 30 days, the town shall have the right to have such trees treated or removed at the property owner's expense and such charges shall constitute a lien on the property until paid.
- (c) When the town plants a tree, all future costs involved in removing the tree/stump and/or repairing damage to sidewalks and curbs are the town's responsibility. When a private property owner has planted a tree on town property and it needs to be removed, the town will notify the property owner in writing by certified mail, with return receipt requested, and removal and repair shall be done by the property owner at his/her expense within a specified time period not to exceed 60 days after the date the notice is served. In the event the property owner fails to comply, the town or its agents shall have the authority to remove the trees and make repairs and charge the cost of removal and repairs to the property owner and such charges shall constitute a lien on the property until paid.

Sec. 5-5. Unlawful to plant or grow bamboo without proper barrier/container and setback.

- (1) The root system of such bamboo plant(s) is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread/growth of the bamboo plant'(s) root system beyond the container in which it is planted; or
- (2) The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a compliance inspection performed, and a permit issued, by the town code enforcement official:
 - a. The barrier itself shall be composed of high density polypropylene or polyethylene, 40 mil or heavier;
 - b. Each portion or sheet of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed for such barriers;
 - c. The barrier shall be installed not less than 30 inches deep;
 - d. The barrier shall be circular or oblong shaped;
 - e. Not less than three inches of the barrier shall protrude above ground level around the entire perimeter of the barrier;
 - f. When installed, the barrier shall slant outward from the bottom to the top.
- (3) Whether planted or growing in a container (under subparagraph (1) above) or contained within a barrier (under subparagraph (2) above), all bamboo plants shall be located, trimmed and maintained so that no part of the plant (including stalks, branches, leaves, and/or roots) shall extend nearer than ten feet from any property line.

Sec. 5-6. Exemptions.

Section 5.1 shall not apply to any landowner or possessor who, prior to the effective date of this article, has planted or caused to grow any bamboo on any property within the limits of the town unless the town code enforcement official determines, upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner or possessor.

Sec. 5-7. Complaint/order for removal, repair and compliance.

Whenever a complaint is received by the town that any bamboo plant or root is encroaching on the property of an adjacent or abutting landowner, or public way, it shall, prior to taking any other action to enforce compliance with this article, give written notice (delivered in person or by certified mail, return receipt requested, properly addressed and with sufficient postage, and posted upon the subject property,) to the person(s) or legal entity(s) causing such condition to exist, which notice shall:

- (1) Specify the nature and location of the violation;
- (2) Provide notice of the need to remove and/or correct such condition within 30 days from the effective date of such notice;
- (3) Require that the removal and/or correction of such condition includes:
 - a. The removal and eradication of any bamboo plant or root from any adjoining or nearby lot(s) or public way to which it has spread from its original planting site, and the correction and repair of any property damage sustained to said adjoining or nearby lot(s) or public way, in removing such bamboo; and

- b. The containment of the bamboo plant causing said encroachment, by mandatory and full compliance with section 5.1;
- (4) State that upon failure to comply with the notice and order for removal and/or containment, the town may:
 - a. Remove and eradicate such bamboo upon the land of any nearby or abutting property owner, public way and/or upon the property of the person(s) or entity(s) planting or causing such bamboo to grow, as provided in section 5.4; and/or
 - b. Institute proceedings against such person(s) or legal entity(s) to collect a civil penalty for violation of this article.
- (5) Set forth the criminal penalties for violations.

The effective date of notice under section 5.3 shall be the later of: (a) the date of personal delivery, or, if mailed, the date the return receipt is signed, or if not signed, the date the notice is stamped refused, unclaimed, or otherwise undeliverable by the U.S. Postal Service; or (b) the date the property is posted. The fact that such notice was not actually received by the alleged violator shall not be a defense to the town's subsequent enforcement of this article.

Sec. 5-9. Removal of bamboo.

- (a) If the violation is not remedied within the time set forth in the notice and order as outlined above, the town is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate its re-growth from said adjacent or nearby property or public way, and to restore any such lands to its natural condition prior to such removal and eradication (including fill, grading, and seeding).
- (b) The town shall also be authorized to remove and eradicate the plant(s) causing the encroachment, upon the responsible party(s)' failure to properly contain the plant in accordance with section 5.1, after complaint and notice.

The cost of corrective action taken by the town under subparagraphs (a) and (b) above, together with any civil penalties and costs, shall be recoverable from the entity responsible and shall constitute a lien against any lot or parcel of ground belonging to the entity responsible upon which such bamboo had been planted or from which the bamboo had encroached. Such costs and fines may be collected as any other fine or cost is collected. ("Costs" shall include court costs and reasonable attorney's fees, whenever permitted by law).

Sec. 5-10. Charges and fees for removal.

When the town is required under this article to remove bamboo and to correct any property damage incurred to any adjoining, nearby or public property to which it has spread from its original planting site, the charge shall be:

- (1) The town's actual cost if contracted out; or
 - (2) If performed by town personnel, \$50.00 per hour, with a minimum charge of \$50.00.
- In either event, there shall also be assessed an administrative fee of \$25.00.

Sec. 5-11. Penalties.

Any person determined by any court of competent jurisdiction to have violated this article shall be guilty of a criminal violation and forfeit and pay to the town a criminal penalty in the amount of not less than \$25.00 per day, nor more than \$100.00 per day, plus costs. Each day of a continuing violation shall constitute a separate offense.

SECTION 6**Sec. 6-1. Basic equipment and facilities.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to Camden Wyoming Sewer & Water Authority, tidewater or Kent County water and sewer system.
- (2) *Toilet room, toilet and lavatory.* Every dwelling unit shall contain a room which affords privacy to a person with such room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to the Camden Wyoming Sewer & Water Authority, tidewater or Kent County water and sewer system.
- (3) *Bathroom, bathtub or shower.* Every dwelling unit shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to the Camden Wyoming Sewer & Water Authority, tidewater or Kent County water and sewer system, and these facilities may be situate in the same room as those required by subsection (2) of this section.
- (4) *Hot and cold water.* Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of subsections (1), (2) and (3) of this section shall be properly connected with both hot and cold water lines.
- (5) *Garbage disposal and garbage and rubbish storage facilities.* Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers and adequate rubbish storage facilities, the type and location of which are approved by the enforcement officer. Garbage shall be kept in storage containers separate from rubbish storage containers. Every dwelling unit shall have a sufficient number of metal or plastic containers covered with a watertight metal or plastic lid and of a capacity of not less than 15 gallons nor more than 100 gallons.
- (6) *Water-heating facilities.* Every dwelling unit shall have supplied water-heating facilities which are properly installed, are maintained in a safe and good working condition, are properly connected with hot water lines required under the provisions of subsection (4) of this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of International Building Code are not in operation.
- (7) *Means of egress.* Every dwelling unit shall have safe, unobstructed means of egress leading to sage and open space at ground level which complies with applicable city and state regulations.

- (8) *Maintenance of plumbing and plumbing fixtures.* All plumbing, water closets and other plumbing fixtures in a dwelling unit shall be maintained in good order and repair and in accordance with the requirements of the Town of Camden approved ICC building code and plumbing code.

Sec. 6-2. Responsibilities of occupants; penalties for violations.

- (a) The occupants of every dwelling or dwelling unit shall comply with the following requirements:
- 1) *Cleanliness and sanitation generally.* Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
 - 2) *Disposal of rubbish.* Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Ordinance #2008-O-13 – Solid Waste.
 - 3) *Disposal of garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Ordinance #2008-O-13 – Solid Waste.
 - 4) *Screens, storm doors and windows.* Every occupant of a dwelling or dwelling unit shall be responsible for handling all screens and double or storm doors and windows whenever the same are required under the provisions of this ordinance or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.
 - 5) *Pest control.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever this dwelling unit is the only one infested. The owner's responsibilities are as follows:
 - a. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
 - b. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
 - 6) *Plumbing fixtures.* Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
 - 7) *Heating facilities.* Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper use and proper operation of supplied heating facilities.
 - 8) *Care and use generally.* Every occupant of a dwelling unit which is let or rented from another shall be responsible for the exercise of reasonable care and the proper use of the dwelling unit and its component parts and supplied facilities and equipment such as screens, screen doors, garbage and rubbish containers. No occupant of a dwelling unit which is let or rented from another shall neglect the maintenance of the dwelling

unit such that it has an injurious effect on the health, safety or welfare of the occupants themselves or up immediate neighbors.

- 9) *High grass and weeds.* Every occupant of a dwelling unit which is let or rented shall be responsible for weeds or grasses growing or accumulating on land of which he or she is the occupant, which includes, but is not limited to any public right-of-way or alley facing, adjoining or abutting the occupant's property so as to create a nuisance to health or safety thereon or to adjoining property. Weeds or grasses growing in the public right-of-way, including but not limited to growth occurring in cracks, fractures, expansion joints in the curbs and sidewalk, more than four inches in height and or six inches in width, and weeds or grasses more than eight inches in height growing in any other location referenced in this section shall be removed and/or cut.
- (b) Any person violating any order of the Land Use Administrator and Code Enforcement Officer based on the provisions of this section or any provision of any rule or regulation adopted by the Land Use Administrator and Code Enforcement officer for the enforcement or implementation of this section, or violating any provision of this section, or any provision of any such rule or regulation, shall be deemed guilty of a misdemeanor, and upon conviction thereof after trial before the justice of the peace court, shall be punished by a fine of not less than \$250.00 for each period of one to seven days of each offense up to a maximum fine of \$1,000.00 for each such offense, together with the costs and disbursements of prosecution, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for the first conviction. For any conviction of a violation that is the second conviction for the same violation as a previous violation which has not been corrected, the minimum fine shall be not less than \$500.00 and not more than \$5,000.00; for the third conviction not less than \$1,000.00 nor more than \$5,000.00, which shall not be suspended; for the fourth conviction \$1,500.00, which shall not be suspended; and for the fifth and each subsequent conviction of the same violation that still has not been corrected, the minimum fine for each conviction shall be not less than \$5,000.00, which shall not be suspended. Upon conviction of a violation of this section, the court may order the defendant to correct the violation by a date certain. If the defendant fails to correct the violation by the court ordered date, the court may impose a fine of \$50.00 per day to be calculated from the date of conviction to the date by which the court had ordered the violation to be corrected.
- (c) After convictions and punishment for violation of such order of the Land Use Administrator and Code Enforcement Officer based upon the provisions of this section or any provision of any rule or regulation adopted by the Land Use Administrator and Code Enforcement Officer for the enforcement or implementation of this section, if such person shall continue in violation of such order, then such person shall be liable for further prosecution, conviction and punishment upon such same order, without any necessity of the Land Use Administrator and Code Enforcement Officer issuing a new order, until such order has been complied with.
- (d) Each day's failure to comply with any order of the Land Use Administrator and Code Enforcement Officer based upon the provisions of this section or the provisions of any rule or regulation adopted by the Land Use Administrator and Code Enforcement Officer for the enforcement and implementation of any provision of this section or any such rule or regulation shall constitute a distinct and separate offense and be punishable as such.
- (e) Appeals - refer to section 2.2

SECTION 7. LITTER CONTROL

Sec. 7-1 . Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Aircraft means any contrivance invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle means a litter storage and collection receptacle as required and authorized by the department of public works.

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting for interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident or such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of the state or under any provision of this Code or other Ordinance of the Town of Camden; or
- (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse and rubbish and all other waste material which, if thrown or deposited as prohibited by this ordinance, tends to create an unsightly condition or appearance on or in a public place or which may create a danger to public health, safety and welfare.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the post office department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, such term shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill means any printed or written matter, any sample or device, dodge, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise

reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.

Public place means any highway, street, sidewalk, boulevard, alleyway or other public way.

Refuse means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarette boxes, packages and wrappings, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, earth, cinders, rock and similar materials.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, and such term includes all kinds and types of automotive conveyances.

Sec. 7-2. Exemption for mail and newspapers.

The provisions of this article shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place.

Sec. 7-3. Penalties.

- (a) Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof before a court of proper jurisdiction, shall be subject to a fine of not less than \$250.00 nor more than \$1,000.00 for the first violation, a fine of not less than \$500.00 nor more than \$2,500.00 for the second violation, and a fine of not less than \$1,000 nor more than \$5,000.00 for the third and subsequent violations. Each day that a violation of the provisions of this article occurs or continues shall constitute and be a separate offense and shall be punishable as such.
- (b) Appeals – refer to section 2.2

Sec. 7-4. Throwing in public places generally.

No person shall throw or deposit litter or rubbish or permit the throwing or depositing of litter or rubbish in or upon any public place within the Town of Camden except in public receptacles, in authorized private receptacles for collection or in official Town dumps.

Sec. 7-5. Placement in receptacles to prevent scattering.

Persons placing litter or rubbish in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any highway, street, sidewalk or other public place.

Sec. 7-6. Sweeping, etc., into gutters, etc., prohibited, duty to keep sidewalks clean.

- (a) No person shall sweep into or deposit in any gutter, inlet to sewers, highway, street or other public place within the town of Camden the accumulation of litter or rubbish from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks, curb and curb line of their premises free of litter.
- (b) No person owning or occupying a place of business shall sweep into or deposit in any gutter, inlet to sewer, highway, street or other public place within the town of Camden the accumulation of litter or rubbish from any buildings or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town of Camden shall keep the sidewalks, curb and curb line of their business premises free of litter and rubbish.
- (c) As an exception to the requirements of subsections (a) and (b) of this section, property owners may sweep into or deposit at the edge of any city street, unless otherwise prohibited and except for state-maintained highways, leaves that have fallen from trees in the autumn time of the year between October 22 and December 21, for collection by Town of Camden department of public works' mulching or leaf collection equipment; further provided, that the property owner shall notify the department of public works that leaves have been deposited at the edge of the Town street, identifying the location and requesting that the leaves be collected by the department of public works, following which the department of public works will schedule such collection. Failure to notify the department of public works shall be punishable upon conviction by a fine of \$25.00.

Sec. 7-7. Spilling contents from vehicles; depositing mud, etc., from wheels of vehicles.

- (a) No person shall drive or move any truck or other vehicle within the Town of Camden unless such vehicle is so constructed or loaded as to prevent any load, contents, litter or rubbish from being blown or deposited upon any street, alley or other public place.
- (b) No person shall drive or move or permit to be driven or moved, any vehicle or truck within the Town of Camden, the wheels or tires of which carry onto or deposit in any street, alley or other public place unreasonable quantities of mud, dirt, sticky substances, litter, rubbish or foreign matter of any kind.
- (c) Such person shall be required to take reasonable steps to clean or have cleaned dirt or mud from the wheels or tires of all vehicles leaving a construction site. It shall be the responsibility of the prime contractor of any construction project to keep the streets in the vicinity of the project free from unreasonable mud, dirt, sticky substances, litter, rubbish or foreign matter of any kind at the request of the public works commissioner.

Sec. 7-8. Throwing or distributing handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, highway, street or other public place within the Town of Camden. It shall not be unlawful on any sidewalk, highway, street or other public place within the Town of Camden for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it.

Sec. 7-9. Placing handbills in or upon vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle in a public place. It shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Sec. 7-10. Posting notices, etc., prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamppost, traffic signal, traffic sign, traffic equipment post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. There shall be a prima facie case that the person who is sponsoring the event or activity being advertised or at whose premises or other location selected by him the event or activity is to be conducted or take place, is responsible for the placement of any notice, poster, or other paper or device which is alleged to be in violation of this section. There shall be a rebuttable presumption that such person did himself place or cause to be placed such notice, poster, or other paper or device in violation of this section.

Sec. 7-11. Littering.

It shall be unlawful for any person to deposit or cause to be deposited any garbage, rubbish, refuse, trash or other offense materials in or upon any street or public place, park, vacant lot, public or private alley or parcel of private property for any reason other than regularly scheduled refuse collection.

Sec. 7-12. Enforcement.

- (a) The Camden Police Department and Land Use Administrator and Code Enforcement Officer shall have concurrent jurisdiction to enforce the provisions of this article.
- (b) Appeals – refer to section 2.2

SECTION 8

Sec. 8-1. Interference with garbage containers, etc.

No person other than an authorized employee or agent of the city shall disturb or remove garbage containers or garbage placed in containers for collections, unless requested to do so by the person to whom the container belongs.

Sec. 8-2. Special pickups or collections.

- (a) *Definitions.* For the purposes of this section, a “special pickup” or “special collection” shall mean a pickup or collection, scheduled in accordance with the requirements of this section, of rubbish, trash, refuse, unusable or discarded articles of furniture or appliances and similar items (hereinafter “rubbish”), from a residential household, which rubbish is to be placed at curbside for pickup or collection by the department of public works (“department”) for the transport thereof by the department to a facility for the proper disposal of the same.

- (b) *Eligibility and scheduling requirements.* The requirements for eligibility of dwellings for such special pickup or special collection shall be such that the owner occupant, or if a dwelling is leased or rented, the owner, or operator, or agent for the same for which a Town of Camden business license is required, and in whose name Town of Camden water service is provided, shall be current with all water and sewer charges, and Town of Camden property taxes and thereby be eligible to schedule a special pickup or special collection with the department of public works.
- 1) Such scheduling shall be done by the eligible owner, or operator, or agent for the same, with the department of public works. If not so scheduled, the person responsible for placing rubbish at curbside without the scheduling of the special pickup or special collection shall be in violation of this section and shall be subject to the penalties of this section.
- (c) *Prepayment of charges required.*
- 1) The owner or operator, or agent of any rental dwelling units, for which a business license is required, may arrange for private trash collection services. If such owner or operator does not arrange for private trash collection services, such owner or operator shall schedule a special pickup in accordance with the section and shall pre-pay to the department of public works, the fee of \$25.00 for each service of a special pickup of rubbish.
- 2) Any owner or operator absent from the premises for which a special pickup or special collection is scheduled, must arrange to have a duly authorized agent for such purposes designated and provide the name, address and telephone number of the said agent to the department of public works
- (d) *Prepayment.* The fee as aforesaid for special pickups or special collections from any owner of any rental dwelling units shall be prepaid to the Town of Camden at the time of scheduling of the special pickup service with the department of public works.
- (e) *Forms and procedures.*
- 1) The department of public works may assign a tracking number at the time of scheduling of each special pickup. The department of public works and the finance department shall be authorized to develop such forms and procedures as may be necessary for the administration and enforcement of the provisions of this section, subject to the prior approval of the administrative board.
- (f) Notwithstanding any provision of this section it shall be a violation of this code, for any owner, operator or agent, who owns any rental units in the city to place rubbish at curbside without properly scheduling a special pickup or special collection prior to such placing of any rubbish or garbage, other than the placing of the same for regular trash and garbage collection by the public works. Any violation of the provisions of this section shall be punishable by a fine of not less than \$500.00 for the first failure to so schedule, or otherwise violate this section; any such violation for the second and successive violations shall be punishable by double the amount of the previous fine imposed with respect to the same owner, or operator or agent for the same. In the administration and enforcement of the provisions of this section, the department of public works and the Land Use Administrator and Code Enforcement officer shall have immediate authority to cite violators for violations, remove offensive trash, rubbish, refuse or garbage, and to impose the charges for scheduled special pickups or special collections.

SEC. 9 Portable Sports Equipment

- a) It shall be unlawful to leave portable sports equipment in the Town of Camden streets or in rights of way unattended.
- b) Equipment must be on the owner's property, so as not to impact vehicular or pedestrian traffic on the Town of Camden streets or sidewalks.
- c) All portable sports equipment must have property owner or renter information on the equipment:

Name of owner
Address of owner
Telephone Number

- d) Equipment found unattended by the Town of Camden Police Department or Town of Camden Representatives will be removed.
- e) Definition of Equipment - For the purpose of this Ordinance the following items shall be considered sports equipment.
 - basketball goals, hockey goals, skateboard ramps or rails, soccer goals, baseball bases or backstops, lacrosse goals or any similar sports related equipment.
- f) Owner will be subject to the following fines if removed by a town of Camden official
 - *1st offense* - \$15.00 for violation plus \$35.00 if removed
 - *2nd offense* - \$25.00 for violation plus \$40.00 if removed
 - *3rd offense* - \$50.00 for violation and equipment will not be returned.

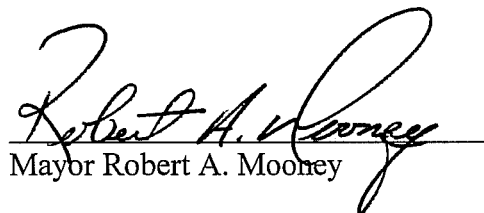
Please note: Property owners are responsible for claiming equipment in person at the Camden Town Hall.

ENACTED AND ORDAINED THIS 6th DAY OF OCTOBER 2008.

APPROVED AS TO FORM:

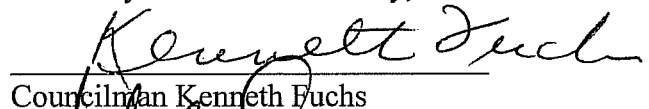


Town Solicitor



Mayor Robert A. Mooney

Vice-Mayor James O. Plumley, III



Councilman Kenneth Fuchs

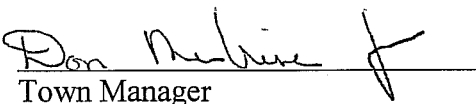


Councilman Richard Snyder



Councilman Mark Babbitt

ATTEST:



Town Manager

1st reading 8/4/08
2nd reading 9/8/08, 10/6/08
Public Hearing 9/8/08, 10/6/08
Adopted 10/6/08

SYNOPSIS: This substitute ordinance amends ORDINANCE #63, 78, 83, 84, 88, 2007-101, 2007-103, 2008-0-04, 2008-O-108 and 2008-O-13 of the Town of Camden Code to subject failure to comply with the provisions of the Town of Camden Code relating to the removal of fecal matter, health and sanitation and the storage and disposal of garbage and rubbish to civil penalties. The amendments will allow the Land Use Administrator and Code Enforcement officer and the Department of Public Works to issue citations imposing civil penalties immediately upon their first becoming aware of a failure to comply with these provisions. In addition, the amendments are intended to permit any unpaid amounts of these civil penalties to be added to the Town of Camden property tax billing for the property that was the subject of the citation, and for the unpaid civil penalties to give rise to a lien on such property, as authorized under Title 25, Section 2901 of the Delaware Code.