ORDINANCE 20-02

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 111, "PROPERTY MAINTENANCE."

WHEREAS, the Town Council of Millville has the power to adopt ordinances to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Town of Millville has adopted a Property Maintenance Ordinance for the municipality, which has been codified in Chapter 111 of the Town Code;

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following language hereby be adopted and incorporated into the Town of Millville Code and the Property Maintenance Ordinance at Chapter 111, "Property Maintenance" as follows:

Additions will be in black bold and underlined.
~~**Deletions will be black bold strike through.**~~

~~**Article I Lawn Maintenance; Nuisances Prohibited**~~

~~**§ 111-0 Definitions.**~~
~~**For the purpose of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:**~~

~~**DUMPSTER**~~

~~**A large, leakproof metal container with a closeable lid for trash designed to be hoisted onto a specially equipped truck for emptying or hauling away.**~~

~~**NOXIOUS WEEDS**~~

~~**Any growth of weeds such as Johnson grass, Jimson grass, burdock, ragweed, thistle, cocklebur, White Mustard, Foxtail, and any noxious weed vegetation specified by the State of Delaware Department of Agriculture.**~~

~~**NUISANCE**~~

~~**An unauthorized act or condition that is obnoxious or injurious to the community at large.**~~

~~**OFFAL**~~

~~**The parts of a butchered animal that are considered inedible by human beings.**~~

~~**REFUSE/TRASH/RUBBISH/GARBAGE/WASTE**~~

~~**Something that is discarded as worthless or useless.**~~

~~**TRASH CONTAINER**~~

~~**A leakproof container for the disposal of waste matter.**~~

~~§ 111-1Grasses, noxious weeds and other vegetative growth.~~
~~A. Prohibited growths and accumulations.~~

~~(1) No person, being the owner of land or improved premises, shall permit upon such land or improved premises or any sidewalk, walking trails, and paths abutting such land any unregulated growth of grass, noxious weeds or other vegetation to grow in excess of eight inches high.~~

~~(2) No person, being the owner of land or improved premises, shall permit grasses, noxious weeds or other vegetation to grow upon such land or improved premises or any sidewalk, walking trails, and paths so as to create a nuisance detrimental to adjoining property or to the health or safety of other persons.~~

~~(3) For purposes of this section, "noxious weeds" and "vegetation" do not include ornamental shrubs, trees, ornamental grasses, and field crops.~~

~~B. Notice to remove; removal by Town.~~

~~(1) Notice shall be given pursuant to this section by certified or registered mail, with return receipt requested, to have said growth of grass, noxious weeds or other vegetation being maintained on said property in violation of this chapter cut or otherwise remedied within five days from the date of delivery of the written notice, as aforesaid.~~

~~(2) If, within five days after due notice by the Town of Millville to the owner of land or improved premises, noxious weeds, grasses, or other vegetation in violation of this chapter is not removed, the Town of Millville may cause such noxious weeds, grasses or other vegetation to be removed, and the cost of such removal shall be charged and collected in accordance with the provisions of this chapter.~~

~~(3) The owner of land or improved premises, having received notice pursuant to the provisions of Subsection B(1), shall be deemed to have received notice for the remainder of the year; thereafter, the Town may, without further notice, cut, destroy and remove all unregulated growth lying or located on such owner's property or upon the sidewalk abutting the same, and the cost of such removal shall be charged and collected in accordance with the provisions of this chapter.~~

~~§ 111-2Nuisances prohibited.~~
~~A. Purpose. It is the purpose of this chapter to eliminate the keeping of detrimental objects and/or materials on premises within the corporate limits of the Town of Millville. The Town Council of the Town of Millville has determined that the~~

~~conditions hereinafter enumerated and described tend to interfere with the enjoyment of and reduce the value of private property; create fire hazards; create an eyesore; provide a breeding ground for rats, vermin and noxious insects; and contribute to the deterioration of both residential and nonresidential areas of the Town. The Town Council hereby declares the same to be and constitute a public nuisance and declares it to be the purpose of this chapter to promote the health, safety and welfare of the citizens of the Town by prohibiting such nuisances.~~

~~B. Nuisances prohibited. No person shall cause, suffer, permit or maintain the existence of any nuisance upon any property owned, occupied or controlled by that person or upon any sidewalk, parking strip or street abutting the property occupied or under his or her control.~~

~~C. Nuisances enumerated.~~
~~(1) The following are declared to be common and public nuisances and subject to abatement as provided in this chapter:~~

~~(a) Any accumulation of decomposed animal or vegetable matter, garbage, cans of any material, containers, ashes, offal, filth, waste or other putrid or unwholesome refuse, matter or substance or substances which, by itself or in conjunction with any other substance or substances, is detrimental to public health, safety or comfort; provided, however, that any properly maintained compost pile, occupying less than 20 square feet of ground area, located in the rear half of any lot and not closer than 10 feet to the property line, shall be exempt from this chapter.~~

~~(b) Any accumulation of trash, litter, refuse, hay, grass, straw, other yard wastes, wastepaper, waste lumber and building material, or any other waste material or rubbish of any character.~~

~~(c) Any common growth of noxious weeds, underbrush or other growth, trash, debris, litter or rubbish capable of harboring obnoxious insects of any kind, such as ticks, mosquitoes and flies, or any vermin-carrying rodents, or skunks, where the density of population is normally considered as a built-up area.~~

~~(d) Any brush, bushes, trees, limbs, shrubbery, flowers or other vegetative growth projecting over any sidewalk or street area, walking trails and paths whether the same is growth for food, fuel, shade or ornamentation, provided that the branches or limbs of trees may project over any sidewalk or street area, walking trails and paths at an elevation of not less than 12 feet above the level of the sidewalk or street surface.~~

~~(e) Any accumulation of earth, rock, stone or other debris on any sidewalk, walking trails and paths, parking strip or street.~~

~~(f) Any damaged, discarded, abandoned or unused appliance, furniture, fixture, equipment, tires, dishes, utensils, glassware, containers, propane tanks or other similar items of personalty on any private property not completely enclosed within a roofed building or on any sidewalk or street surface.~~

~~(g) Any damaged, discarded or abandoned motorized machinery, motor vehicle, trailer, boat, sailboard, jet ski or other means of aquatic conveyance that is inoperable, dismantled, wrecked or from which major components have been removed, is in such a state of disrepair as to be incapable of being used or operated in the manner for which it was designed and is situated on private property.~~

~~(2) For purposes of this section, "waste material" does not include materials accumulated in an orderly fashion within the rear yard for useful purposes such as firewood, and building materials in good condition, topsoil and earth fill, except that the accumulation of such material in a haphazard fashion within five feet of adjacent lines shall be prima facie evidence of waste and a nuisance to adjacent property or to the health or safety of other persons. Building materials, for use in construction where a valid building permit issued by the Town of Millville is in effect, may be stored in an orderly manner within five feet of adjacent property lines.~~

~~D. Deposit of waste materials on premises outside all districts.~~

~~(1) No refuse, rubbish, trash or other waste materials shall be deposited by any person on land or improved premises outside all districts, except that such refuse, rubbish, trash or other waste material shall be placed in a leakproof container with closable lid, except in the course of depositing or emptying said material in a trash container. The owner or possessor of such land or improved premises, any officer of a corporation being the owner or possessor of such land or improved premises in all districts and any agent having the management thereof whose employee or agent violates the provisions of this section shall be deemed to be in violation of the provisions of this chapter.~~

~~(2) Trash containers and dumpsters. When a dumpster or trash container is filled to capacity, it must be emptied within 24 hours of that occurrence. The dumpster shall be deemed to be filled to capacity when its contents extend above the top~~

~~edge of any wall of the dumpster or beyond the edges of any door, hatch or other opening in the roof or any wall of the dumpster. No overflow of any material shall be permitted from the dumpster or trash container, nor shall any accumulation of any material next to the dumpster or trash container be permitted.~~

~~E. Notification of violation.~~

~~(1) Upon a finding by the Town Manager or designee that a property owner or tenant is storing, using or maintaining detrimental objects or materials on premises, the Town of Millville shall send by certified mail, with return receipt requested and postage prepaid, a notice to the owner of record of the property as shown on the tax records of the Town to take whatever steps are necessary to alleviate the nuisance within five days following receipt of such notice.~~

~~(2) Such notice shall contain the following information:~~

~~(a) The nature of the complaint.~~
~~(b) Location of the violation.~~
~~(c) A statement that the nuisance must be removed within five days following the date of receipt of the notice.~~

~~F. Removal by Town.~~

~~(1) If, within five days after notice thereof by certified mail with return receipt requested and postage prepaid from the Town of Millville to the owner, or possessor of land or improved premises where there is the existence of a nuisance, as herein enumerated, nuisances in violation of this chapter are not removed, the Town of Millville may cause such nuisances to be removed.~~

~~(2) In the event that such notice is returned to the Town of Millville because of the inability to make delivery thereof, and provided that the same was properly addressed to the owner of record of the property as shown on the tax assessment records of the Town, the Town of Millville is hereby authorized to cause such nuisance to be abated and to cause the costs of such abatement to be collected from the owner or occupant of the property.~~

~~(3) Whenever the Town Manager has affected the removal of any unregulated growth or nuisances, the owner shall be charged the contractor's rate. Whenever the Town Manager has had to pay for its removal pursuant to the provisions of this chapter, the actual costs thereof, together with an additional charge of 20% of the~~

~~actual charge to defray administrative expenses, plus accrued interest at the rate of 6% per annum from the date of completion of the work, if not paid by the owner. Such charges, if unpaid, shall become a tax lien pursuant to 25 Del. C. Chapter 29.~~

~~§ 111-3Violations and penalties.~~
~~[Amended 10-9-2018 by Ord. No. 19-04]~~
~~Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.~~

~~Article II Other Maintenance~~
~~§ 111-4 Adoption of Property Maintenance Code.~~

~~A certain document, a copy of which is on file in the Town Hall of the Town of Millville, Delaware, being marked and designated as the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Millville, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Millville are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 111-5 of this chapter.~~

~~§ 111-5 Additions, insertions and changes.~~

~~The following sections are revised as follows:~~
~~A. Section 101.1. Insert: "The Town of Millville."~~
~~B. Section 103.5. Insert: "The Town of Millville Fee Schedule effective at that time."~~
~~C. Section 108.3. Add at the end: "If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation."~~
~~D. Section 111.1 through 111.7. Replace with:~~

~~Section 111.1 Application for Appeal.~~

~~Appeals of orders, decisions, or determinations made by the Building and/or Code Official relative to the application and interpretation of this code, may proceed as described in Chapter 155, Article XI, of the Code of the Town of Millville.~~

~~E. Section 111.8. Replace with:~~

~~Section 111 .2. Stays of enforcement.~~
~~Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustment.~~

~~F. Section 112.4. Replace with:~~

~~112.4 Failure to Comply.~~

~~Any person, persons, partnerships, corporations, or other entity who or which shall in any way violate a provision of this article of this chapter shall, upon conviction thereof, forfeit and pay to the Town of Millville a fine not less than the sum of $50 and not exceeding the sum of $99 for each and every offense, together with the costs of prosecution. Each day or part of the separate day a violation continues shall be deemed a separate offense. For repeated offenses within the same calendar year, fines will be $99 for each continued offense.~~

~~G. Section 302.4. Insert: "eight inches."~~

~~H. Section 304.3. Add at the end: "If the owner of any building fails to post the proper number or numbers within 30 days after the numbers have been duly assigned, the Code Official shall post them and shall charge the cost incurred to the owner of the property."~~

~~I. Section 304.14. Insert: "April 1" to "October 1."~~

~~J. Section 602.3. Insert: "October 1" to "April 30."~~

~~K. Section 602.4. Insert: "October 1" to "April 30."~~

ARTICLE I BRUSH, GRASS AND WEEDS

§ 111-1 Purpose

It is the purpose of this article to have all grass cut and not to exceed a height of eight inches and to eliminate noxious weeds and other vegetation except trees, ornamental flowers and bushes in order to preserve and enhance neighborhood quality, maintain property values and to protect the public health, safety and general welfare of the property owners and residents of the Town of Millville.

§ 111-2 Construal of provisions.

This article is declared to be remedial and shall be construed to secure the beneficial intent and purposes thereof which are to eliminate dangerous conditions detrimental to the public good and to protect the public health, safety and general welfare of the property owners and residents of the Town of Millville.

§ 111-3 Definitions.

For the purpose of this article, the following definitions shall be applicable unless the context clearly indicates to the contrary.

NOXIOUS WEEDS

Any growth of weeds such as Johnson grass, Jimson grass, burdock, ragweed, thistle, cocklebur, White Mustard, Foxtail, and any noxious weed vegetation specified by the State of Delaware Department of Agriculture.

TOWN MANAGER

Shall mean and include the duly appointed or designated Town Manager of the Town of Millville, as well as such other person under his or her supervision who is directed to enforce the provisions hereof.

§ 111-4 Height of grass.

It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of any grass or other vegetation more than eight inches in height anywhere in the Town of Millville, and the growth of grass or other vegetation higher than eight inches is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Millville and a common and public nuisance.

§ 111-5 Growth of weeds.

It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of noxious weeds anywhere in the Town of Millville, and the growth of noxious weeds anywhere in the Town of Millville is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Millville and a common and public nuisance.

§ 111-6 Growth of bushes.

It shall be unlawful for the owner of any property or the tenant of any owner to plant, maintain or permit the growth of the bush of the species of tall, common or European barberry, further known as "Berberis Vulgaris," or its horticultural varieties anywhere in the Town of Millville, and such growth is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Millville and a common and public nuisance.

§ 111-6.1 Maintenance of trees and other vegetation.

It shall be unlawful for the owner of any property to permit any tree, bush or other vegetation to overhang any public sidewalk, public street or right-of-way so that its branches obstruct the light from any streetlamp, the view of any street location, the visibility of traffic signs or the passage of pedestrians and vehicles. Trees, bushes and other vegetation shall be trimmed to a clearance height of 10 feet over sidewalks and 14 feet over streets. Said owner shall also remove all dead, diseased or hazardous trees, or broken or decayed limbs, that are detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Millville and a common and public nuisance.

§ 111-6.2 Deposit and accumulation of grass clippings.

It shall be unlawful for any person to knowingly cause grass clippings or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads of the Town of Millville. A homeowner is responsible to ensure that any persons hired to cut his/her grass or maintain his/her yard abide by this section. Any grass or waste which inadvertently is caused to enter the streets or alleys of the Town shall be promptly removed; there is no grace period within which to remove grass clippings, other debris or waste.

§ 111-6.3 Duty to keep sidewalks and curbs clean.

It shall be unlawful for the owner, lessee or tenant of any premises abutting on any sidewalk or curb in the Town to permit such sidewalk or curb to become covered with sand, leaves, or dirt or to become unclean, or to permit grass, weeds or other vegetation to grow on or extend over such sidewalk or curb, and any owner, lessee or tenant of any premises abutting on any such sidewalk or curb in the Town who shall fail or refuse to keep the same clean and free from sand, leaves, or dirt, grass, weeds or other vegetation or who shall permit such sidewalk or curb to become covered with dirt, sand, or leaves or to become unclean, or shall permit weeds, grass or other vegetation to grow on or extend over the sidewalk or curb shall be subject to penalties as outlined in this article.

§ 111-7 Height limit of other vegetation.

It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of any other vegetation more than eight inches in height except for trees, flowers or other ornamental plants, and such growth is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Millville and a common and public nuisance.

§ 111-8 Investigation by Town Manager.

The Town Manager, or his/her designee, upon complaint from two or more residents of the Town of Millville, or upon his/her own observation, shall investigate to determine whether there is a growth of grass, noxious weeds or other vegetation on property located within the corporate limits of the Town of Millville in violation of the provisions of this article.

§ 111-9 Notice of violation.

If the Town Manager, or his/her designee, following his/her investigation, determines that there is growth of grass, noxious weeds or other vegetation on property located within the corporate limits of the Town of Millville in violation of the provisions of this article, the Town Manager shall notify the property owner or tenant at his or her last known address, in writing, by certified mail with return receipt requested, postage prepaid, to have said growth of grass, noxious weeds or other vegetation being maintained on said property in violation of this article cut or otherwise remedied within five days from the date of delivery of the written notice, as aforesaid.

§ 111-10 Failure of property owner to remedy; action by Town.

Upon the failure of the property owner or tenant to have said growth of grass, noxious weeds or other vegetation being maintained in violation of the provisions of this article cut or otherwise remedied within the time specified as aforesaid, the Town Manager may proceed to cause said growth of grass, noxious weeds or other vegetation being maintained in violation of this article cut or otherwise remedied at the expense of the owner of said property and, when completed, a bill for the cost thereby incurred as determined by the contractor hired by the Town Manager in the name of the Town of Millville shall, as soon as convenient thereafter, be presented by certified mail with return receipt requested and postage prepaid to the owner of said property or the tenant of said owner.

§ 111-11 Failure of owner to pay Town; collection by Town.

If the bill so presented by the Town Manager on behalf of the Town of Millville shall not be paid within 30 days following delivery thereof by certified mail with return requested and postage prepaid, the Town Manager of the Town of Millville may institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware for the collection of the debt to collect the same in a manner now or hereafter provided for the collection of judgments in the State of Delaware or he or she may be proceed by any other method provided in the Charter of the Town of Millville for the collection of debts due the Town of Millville.

§ 111-12 Notice deemed effective for remainder of year.

The owner of any property within the Town of Millville or the tenant of said owner having in any one year received notice pursuant to the provisions of this article shall be deemed to have received notice for the remainder of the year that on the first day of each month commencing May 1 through October 31, both dates inclusive, the Town may, without further notice, cut, destroy and remove at the expense of the owner of said property any growth being maintained on said property in violation of the provisions of this article.

§ 111-13 Violations and penalties.

Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

§ 111-14 Additional remedy.

In addition to any other remedy provided for in this article and because the purpose of this article is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Millville, the Town Manager is hereby authorized to bring an action in a court of competent jurisdiction to enjoin any violation of the provisions of §§ 111-4, 111-5, 111-6 or 111-7 of this article.

ARTICLE II STORAGE OF DETRIMENTAL OBJECTS OR MATERIALS

§ 111-15 Definitions.

For the purposes of this article the following definitions shall be applicable unless the context clearly indicates to the contrary:

DETRIMENTAL OBJECTS AND MATERIALS

Shall include but not be limited to old tires, motor vehicle parts, damaged or abandoned motorized machinery, motor vehicles, trailer, boats or related equipment, rubbish, garbage, trash, organic waste, inorganic waste, household furniture, appliances and other obvious junk or salvage, which can endanger the public safety, fire safety, and/or create an environment for rodent infestation.

KEEP

To store, use or in any way maintain.

PERSON

Includes an individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business, trust, organization or any other group acting as a unit, with a manger, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

PREMISES

Those areas of a structure or yard which are open to the weather.

PUBLIC NUISANCE

The unreasonable interference with the health, safety, peace, comfort or convenience of the general community.

TOWN MANAGER

Shall mean and include the duly appointed or designated Town Manager of the Town of Millville, as well as such other person under his or her supervision who is directed to enforce the provisions hereof.

§ 111-16 Purpose.

It is the purpose of this article to eliminate the keeping of detrimental objects and/or materials on premises within the corporate limits of the Town of Millville.

§ 111-17 Construal of provisions.

This article is declared to be remedial and shall be construed to secure the beneficial intent and purposes thereof which are to eliminate dangerous conditions detrimental to public good and to protect the public health, safety and general welfare of the property owners and residents of the Town of Millville.

§ 111-18 Storage of detrimental materials prohibited.

It shall be unlawful for any occupant or owner of any premises within the corporate limits of the Town of Millville to keep, to store, to have stored or permit to be stored on the premises any object or objects or any material of a detrimental nature which is unsuitable for outside storage or use, that would detract from the peace, health, safety or tranquility of the premises whereon it is stored or of the adjoining premises, and the storage of such object or objects is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Millville and a common and public nuisance.

§ 111-18.1 Drying of clothes.

Clothes hung or placed to dry on roofs, walls, fences, stairs, trees, bushes or carport areas where such is viewable from the public right-of-way within the Town of Millville are declared a public nuisance.

§ 111-19 Complaint; investigation by Town Manager.

Whenever any person shall complain to the Town Manager, or his/her designee, that a property owner or tenant is storing or maintaining detrimental objects or material on premises within the Town of Millville, the Town Manager may investigate.

§ 111-20 Notice of violation; contents.

Upon a finding by the Town Manager that a property owner or tenant is storing, using or maintaining detrimental objects or materials on premises, the Town Manager, or his or her designee, shall send by certified mail with return receipt requested and postage prepaid a notice to the owner of record of the property as shown on the tax assessment records of the Town to take whatever steps necessary to alleviate the nuisance within 10 days following receipt of such notice. Such notice shall contain the following information:

A. The nature of the complaint.
B. Location of the violation.
C. A statement that the detrimental object or material must be removed within 10 days following date of receipt of the notice.
D. A statement of penalties for noncompliance with such notice.

§ 111-21 Failure of property owner to remedy; action by Town.

Upon the failure of the property owner or tenant to remove the detrimental objects and/or material being maintained in violation of the provisions of the article within the time specified as aforesaid, the Town Manager, or his/her designee, may proceed to remove the objects and/or material being maintained in violation of this article or otherwise remedied at the expense of the owner of said property and, when completed, a bill for the costs thereby incurred as determined by the Town Council in the name of the Town of Millville shall, as soon as convenient thereafter, be presented by certified mail with return receipt requested and postage prepaid to the owner of said property or the tenant of said owner.

§ 111-22 Failure of owner to pay Town; collection by Town.

If the bill so presented by the Town Manager on behalf of the Town of Millville shall not be paid within 30 days following delivery thereof by certified mail with return receipt requested and postage prepaid, the Town Manager of the Town of Millville may institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware for the collection of the debt to collect the same in a manner now or hereafter provided for the collection of judgments in the State of Delaware or to proceed by any other method provided in the Charter of the Town of Millville for the collection of debts due the Town of Millville.

§ 111-23 Violations and penalties.

Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

§ 111-24 Additional remedy.

In addition to any other remedy provided for in this article and because the purpose of this article is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Millville, the Town Manager is hereby authorized to bring an action in any court of competent jurisdiction to enjoin any violation of any provision of this article.

ARTICLE III DEPOSIT OF WASTE MATERIALS LEFT OUTSIDE/OUTDOORS

§ 111-25 Definitions.
For the purpose of this chapter, the following definitions shall be applicable unless the content clearly indicates to the contrary.

DUMPSTER
A large, leakproof metal container with a closeable lid for trash designed to be hoisted onto a specially equipped truck for emptying or hauling away.

TRASH CONTAINER
A leakproof container with a closable lid for the disposal of waste material.

WASTE MATERIALS/REFUSE/TRASH/RUBBISH/GARBAGE
Something that is discarded as worthless or useless.

§ 111-26 Trash Containers

No refuse, rubbish, trash, garbage or other waste materials shall be deposited by any person on land or improved premises outside/outdoors in any district, except that such refuse, rubbish, trash, garbage or other waste material shall be placed in a trash container with a closed lid, except in the course of depositing or emptying said material in a trash container. Trash bags, boxes or other articles capable of holding refuse, rubbish, trash, garbage or other waste material, shall not be deemed a trash container. No accumulation of refuse, rubbish, trash, garbage or other waste materials shall be permitted outside of the trash container. The owner or possessor of such land or improved premises, any officer of a corporation being the owner or possessor of such land or improved premises in all districts and any

agent having the management thereof whose employee or agent violates the provisions of this section shall be deemed to be in violation of the provisions of this chapter. When a trash container is filled to capacity, it must be emptied within 24 hours after being notified by the Town official. The trash container shall be deemed to be filled to capacity when its contents extend above the top edge of the trash container which causes the lid not to close.

§ 111-27 Dumpsters.

When a dumpster is filled to capacity, it must be emptied within 24 hours of that occurrence. The dumpster shall be deemed to be filled to capacity when its contents extend above the top edge of any wall of the dumpster or beyond the edges of any door, hatch or other opening in the roof or any wall of the dumpster. No overflow of any material shall be permitted from the dumpster, nor shall any accumulation of any material next to the dumpster be permitted.

§ 111-28 Notice of violation.

(1) Upon a finding by the Code & Building Official, or designee, that a violation has occurred as stated in this subsection, the property owner, business owner or tenant will be notified by the Town via telephone call and/or email giving them 24 hours to have the violation removed. Should the property in violation be in a community which has a Homeowner's Association, Property Owner's Association, or Condominium Owners Association, the President of record of said association will be contacted as well via telephone call and/or email.

(2) Such verbal or written notice via email shall contain the following information:

A. The nature of the complaint.
B. Location of the violation.
C. A statement that the violation must be removed within 24 hours of receipt of the verbal or written notice via email.
D. Photo of violation.

§ 111-29 Violations and penalties.

Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Article IV Clothing Donation Bins

§ 111-30 Clothing donation bins.
Clothing donation, steel or similar, storage containers are prohibited in the Town of Millville.

§ 111-31 Violations and penalties.

Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

ARTICLE V OTHER MAINTENANCE

§ 111-32 Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the Town Hall of the Town of Millville, Delaware. being marked and designated as the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Millville, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Millville are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 111-5 of this chapter.

§ 111-33 Additions, insertions and changes.

The following sections are revised as follows:
A. Section 101.1. Insert: "The Town of Millville."
B. Section 103.5. Insert: "The Town of Millville Fee Schedule effective at that time."
C. Section 108.3. Add at the end: "If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation."

D. Section 111.1 through 111.7. Replace with:

Section 111.1 Application for Appeal.

Appeals of orders, decisions, or determinations made by the Building and/or Code Official relative to the application and interpretation of this code, may proceed as described in Chapter 155, Article XI, of the Code of the Town of Millville.

E. Section 111.8. Replace with:

Section 111 .2. Stays of enforcement.
Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustment.

F. Section 112.4. Replace with:

112.4 Failure to Comply.

Any person, persons, partnerships, corporations, or other entity who or which shall in any way violate a provision of this article of this chapter shall, upon conviction thereof, forfeit and pay to the Town of Millville a fine not less than the sum of $50 and not exceeding the sum of $99 for each and every offense, together with the costs of prosecution. Each day or part of the separate day a violation continues shall be deemed a separate offense. For repeated offenses within the same calendar year, fines will be $99 for each continued offense.

G. Section 302.4. Insert: "eight inches."

H. Section 304.3. Add at the end: "If the owner of any building fails to post the proper number or numbers within 30 days after the numbers have been duly assigned, the Code Official shall post them and shall charge the cost incurred to the owner of the property."

I. Section 304.14. Insert: "April 1" to "October 1."

J. Section 602.3. Insert: "October 1" to "April 30."

K. Section 602.4. Insert: "October 1" to "April 30."

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 27 DAY OF August, 2019.

SEAL:

STEVE MANERI, MAYOR

ATTESTED:

RONALD BELINKO, SECRETARY