

**DRAFT
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND CHAPTER 138, PROPERTY MAINTENANCE, OF THE CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO ADD ARTICLE III, STRUCTURE MAINTENANCE, TO ADD REGULATIONS REGARDING THE MAINTENANCE OF BUILDING AND STRUCTURES ON PROPERTIES, AND TO DEFINE DANGEROUS BUILDINGS.

WHEREAS, the Commissioners of the Town of Dewey Beach desire to promulgate regulations for maintenance and upkeep of all structures within the Town limits in order to provide for the health, safety and general welfare of the public; and

WHEREAS, upkeep of property and structures in the Town improves upon the overall quality of life for the public and prevents property from becoming dangerous and adds to the beauty of the Town.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS 12TH DAY OF MAY, 2018, THAT:

Section 1. Add Article III to the Dewey Beach Code of Ordinances as follows:

§138-12 Maintenance of Building and Structures on Property

1. Property maintenance and upkeep is the primary responsibility of the property owner(s). Structures must be maintained in conditions that do not have peeling paint, screens or windows that are broken or torn, exterior vegetation that has encroached into the back of the facing of the structure shell.

2. All building structures must be maintained in safe generally accepted clean and well-maintained conditions, at all times. Examples of structures in disrepair that may impair the safety include the following but not limited to:
 - a. Sagging porches and steps
 - b. Visibly rotten wood on building structures;
 - c. Roofs that are missing shingles or sagging;
 - d. Broken windows or missing windows;
 - e. Chimneys missing stone, bricks or leaning in such a fashion that could fall;
 - f. Decks and railing that are sagging or pose a threat to occupants;
 - g. Structures with foundations that are missing supporting concrete block, brick pilings, or proper support for that structure;

3. Property that is in such disrepair and has the outward appearance of abandonment shall not be occupied.

§ 138-13 Dangerous Buildings

Dangerous building means all buildings or structures which have any or all of the following defects or uses:

1. Leaning interior walls. Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Damaged walls, etc. Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Loads on roofs. Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
4. Fire damage, etc. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
5. Unfit for habitation. Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
6. Light, air, sanitation. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
7. Fire escapes, etc. Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
8. Loose parts. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
9. General welfare. Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.
10. Code violations. Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.
11. Drug sales, use, etc. Those which are being used for the unlawful selling, serving, storing, giving away or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).

12. Unoccupied buildings. Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

13. Incomplete buildings. Those under construction if the authorized work is substantially suspended or abandoned for a period of three months or more.

§138-14 Enforcement

It shall be the responsibility of the Town Manager/designee, Building Official, to periodically inspect and respond to violations and complaints regarding conditions of property within the Town limits.

- a.) The Town Manager/designee and or the Building Official is authorized and directed to notify, in writing, by certified mail with return receipt requested, by postage prepaid, the owner or occupier of any lot, place or area within the corporate limits of the Town or the agent of the owner or occupier to make the necessary improvements to the property as required by the Town of Dewey Beach. Should the property owner, agent or occupier fail to comply with making repairs, the Town may initiate the repairs at the expense of the property owner and be subject to fines and penalties as prescribed within the Town Code.
- b.) Property that is in such disrepair and has the outward appearance of abandonment shall not be occupied, declared uninhabitable and may be condemned. Should this occur the Town shall seek all legal remedies to initiate necessary repairs and or take possession of property. All costs associated with repairs of adverse possession shall be charged to the property owner and the be subject to the fines and penalties as prescribed with the Town Code.

§138-15 Notification of Violation to Property Owner

The Town Manager/designee and or Building Official shall, notify property owner of the specific condition(s) that require remediation by certified letter, allowing for 30 days to correct the deficiencies. Failure to respond to notice of violation, the Town shall initiate another certified letter to property owner again asking for remediation of deficiencies. Upon failure to respond to the second certified letter, the Town Manager/designee and or Building Official may initiate repairs at the expense of the property owner, including fines and penalties as prescribed within Town Code, and may include a lien on the property.

In the event the property is in the condition as described in "Enforcement sub section b)." The Town Manager shall bring the matter before the Commissioners for final disposition. A certified letter shall again be sent to the property owner advising him/her of the date of the scheduled hearing before the Commissioners. Should the Commissioners, by majority vote, agree with the findings of the Town Manager, the Commissioners shall direct him/her to proceed with repairs and/or condemnation of structure(s). All costs associated with repairs of adverse possession

shall be charged to the property owner(s) and the be subject to the fines and penalties as prescribed with the Town Code including but not limited to a lien to property.