

**Proposed Amendments Related to Property Maintenance  
FOR DISCUSSION 1/16/2026**

Chapter 138. Property Maintenance Article II. Weeds and Vegetation

[Adopted 6-10-1994 by Ord. No. 297 (§ 633 of the 1984 Code)]

**§ 138-7. Unregulated growth prohibited landscaping and Vegetation Maintenance.**

A. General Requirements. All premises and exterior property shall be maintained free from uncontrolled vegetation, including weeds or plant growth exceeding twelve (12) inches in height.

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B. Definition of Weeds. For the purposes of this section, "weeds" shall mean any grasses, annual plants, or vegetation—excluding trees and shrubs—that are not intentionally cultivated or maintained. This definition does not include ornamental plants, cultivated flowers, garden crops, or landscaped shrubs that are actively managed as part of a designed planting area.

C. Property Owner Responsibilities. Property owners shall be responsible for regular maintenance of all exterior property areas to prevent:

1. Overgrowth of vegetation;

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2. The spread of invasive species;

3. Vegetation conditions that may contribute to fire hazards;

4. Vegetation that may create or harbor pests or vermin;

5. Vegetation that creates unsafe, unsanitary, or visually detrimental conditions on the premises or adjacent properties.

~~No owner or occupier of any lot, place or area within the corporate limits of the Town, nor any agent of such owner or occupier, shall permit on such lot, place or area or upon any sidewalk abutting such lot any unregulated growth of weeds, grass or other vegetation.~~

**§ 138-8. Notification to cut weeds.**

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 cut, destroy and remove any unregulated growth found growing, lying or located on such owner's or occupier's property or upon the sidewalk abutting the same.

**§ 138-9. Effect of notice.**

The owner, occupier, or the agent of the owner or occupier of any lot, place or area having in any calendar year received notice pursuant to the provisions of § 138-8 shall be deemed to have received notice for the remainder of the year that on the first day of each month thereafter, commencing May 1 through October 1, both dates inclusive, the Town may,

without further notice cut, destroy and remove all unregulated growth growing, lying or located on such owners or occupier's property or upon the sidewalk abutting the same and that the cost of such removal shall be charged and collected in accordance with the provisions of this article.

#### § 138-10. Removal by Town.

Upon the failure, neglect or refusal of any owner or occupier or the agent of such owner or occupier to cut, destroy and remove any unregulated growth lying or located on such owner's or occupier's property or upon the sidewalk abutting the same within five days after receipt of such written notice or within 10 days of the mailing of such notice, in the event that the notice is returned to the post office due to the inability to make delivery thereof, the Building Official is authorized to remove and to pay for the cutting, destroying or removal of such unregulated growth.

#### § 138-11. Cost of removal by Town; payment by owner.

Whenever the Building Official has effected the removal of any unregulated growth or has paid for its removal pursuant to the provisions of this article, the actual cost thereof, together with additional charge of 20% of the actual charge to defray administrative expenses, plus accrued interest at the rate of 24% per annum from the date of completion of the work, if not paid by the owner or occupier prior thereto, shall be charged to the owner or occupier of such property on the next beach tax bill. Such charge shall be due and payable by the owner at the time of payment of such tax bill.

### **Article III Exterior Structure and Property Maintenance Standards.**

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#### **§138-12. Exterior Structure – General Requirements.**

##### **1. Maintenance Required.**

**The exterior of every structure, whether occupied or unoccupied, shall be maintained in a clean, sanitary, structurally sound, and good state of repair so as not to pose a threat to public health, safety, or welfare.**

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##### **2. Condition of Exterior Elements.**

**Exterior structural elements, facades, and appurtenances shall be maintained so as not to exhibit conditions of deterioration, including but not limited to broken, missing, or rotted building materials; peeling or flaking paint; damaged siding or roofing; unsecured or open doors, windows, or other building openings; accumulation of trash, debris, or discarded materials; or overgrown vegetation that obstructs access, visibility, or safe use of the property.**

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##### **3. Environmental Hazards.**

**All structures and properties shall be maintained free from environmental hazards, including but not limited to mold, asbestos, and lead-based paint exposure.**

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#### **§138-13 Accessory Structures.**

**Any accessory structures, including but not limited to swimming pools, hot tubs,**

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detached garages, fences, and walls, shall be maintained in a structurally sound condition and in good repair.

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#### §138-14 Rodent harborage

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

#### §138-15 Notification of Violation.

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 property within the corporate limits of the Town or the agent of the owner or occupier when maintenance of the property poses a threat to public health, safety, or welfare. Notification shall include a list of maintenance elements to be addressed.

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#### § 138-16. Effect of notice.

The owner, occupier, or agent shall within 30 days after the date of the return receipt for the notice of violation provide acknowledgement of the notice and a plan for addressing the maintenance elements included in the notice. The plan shall include a timeline for completion of the maintenance elements within 180 days after the date of the acknowledgement.

#### §138-17. Penalties.

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Failure to acknowledge the notice of violation within the required 30 days shall be subject to a penalty of \$500. An additional penalty of \$500 shall be levied for each 30 day period during which acknowledgement has not been received. Failure to complete maintenance elements with the required 180 day period shall be subject to a \$500 fine for each 30 days beyond the initial 180 days. The Building Official shall have discretion to extend these time periods and waive fines as warranted depending on specific circumstances for a given property.

**§ 185-94. Stormwater runoff and guttering and downspouts.**  
[Added 7-19-2024 by Ord. No. 841]

- A. Construction of a new residential structure or new residential and commercial mixed-use structure, or renovation of a residential or mixed-use structure that increases the impervious roof surface of the area of the structure, requires the utilization of gutters and downspouts.**
- B. The discharge point for downspouts on all new, renovated, and existing structures shall be not less than four feet from the nearest property boundary line, or greater distance if necessary to contain discharge from downspouts within the boundaries of the property.**
- C. Any existing residential or mixed-use structure that does not satisfy the downspout discharge requirements of Subsection B shall be modified to satisfy the requirements within 90 days after notification by the Town Building Official. Failure to correct deficiencies within this period is subject to a fine of \$250. A new \$ 250 fine shall be levied for each subsequent thirty-day period in which deficiencies remain uncorrected. The initial ninety-day period may be extended at the discretion of the Building Official.**

**D. Construction of new residential and commercial mixed use structures shall ensure that all water generated on a property—including stormwater, irrigation runoff, and similar sources—shall be managed entirely within the boundaries of that property. Discharge of water onto public streets, sidewalks, or adjacent properties is strictly prohibited. Construction plans must include appropriate grading, drainage systems, or containment measures to prevent off-site flow and ensure compliance with this requirement.**

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