

Sponsor: _____
First Reading: _____
Second Reading: _____

AN ORDINANCE AMENDING CHAPTER 440 (BRUSH AND GRASS) OF THE TOWN CODE, SECTIONS 440-2 (NOTICE TO CUT OR REMOVE), 440-3 (EFFECT OF NOTICE) AND 440-4 (CUTTING OR REMOVAL BY TOWN) TO DELETE THE WORD “DESTROY” FROM EACH SECTION; REVISING SECTION 475-29 C (VACANT STRUCTURES AND LAND); ADDING A NEW SUBSECTION C (LOT MAINTENANCE) TO SECTION 475-30; AND RELETTERING SUBSECTIONS C THROUGH I AS D THROUGH J.

WHEREAS, the Town Council of the Town of Bethany Beach desires to amend Sections 440-2, 440-3 and 440-4 the delete the word “destroy” from each Section; to revise Section 475-29 C (Vacant Structures and Land); to add a New Subsection C (Lot Maintenance) to Section 475-30 and to reletter Subsections C Through I as D Through J.

WHEREAS, the purposes of these amendments are to: Preclude the potentially unsafe destruction of unregulated growth of grass and vegetation on lots; prevent soil erosion from such lots; and prevent visual blight and maintain the overall landscaping appearance of lots in a neighborhood.

BE IT HEREBY ENACTED by the Town Council of the Town of Bethany Beach, a majority thereof concurring in Council duly met, that the following Sections of the Town Code be and hereby are amended as follows:

Sections 440-2 (Notice to cut or remove), 440-3 (Effect of Notice) and 440-4 (Cutting or removal by Town)

§ 440-2. Notice to cut or remove.

The Town Manager is authorized and directed to notify, in writing, by certified or registered 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.

§ 440-3. Effect of notice.

The owner or 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 § 440-2 shall be deemed to have received notice for the remainder of the year that on the first day of each month, thereafter, the Town may, without further notice, cut, ~~destroy~~ and remove all unregulated growth lying or located on such owner's 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 chapter.

§ 440-4. Cutting or 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 growing, 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 located in the Town due to the inability to make delivery thereof, the Town Manager is authorized to ~~remove and~~ to pay for the cutting, ~~destroying~~ and/or removal of such unregulated growth pursuant to the provisions of this chapter.

Subsection C of Section 475-29 (General Requirements) is amended as follows (deletions struck through, additions underlined):

- A. Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition in keeping with the overall landscaping appearance of the neighborhood in which they are located as provided herein so as not to cause a blighting problem or adversely affect the public health, ~~or safety~~ and overall well-being.

Subsection C (Lot Maintenance) is added to Section 475-30 Exterior property areas.

A. Lot Maintenance

(1) Every lot, whether vacant or improved with a structure, shall have grass, vegetation, shell or stone in keeping with the overall landscaping appearance of the neighborhood in which it is located in order to: (i) prevent any soil erosion onto or into streets, swales, canals other waterways and/or adjacent properties and (ii) maintain the appearance of the neighborhood.

(2) Exceptions:

(a) If active construction activities are underway on the lot in question, the foregoing requirements shall be met within a reasonable period of time following completion of the construction activities as determined by the Town Manager.

(b) Grass or other vegetation growing on a lot may be cleared in order to replant the lot with new grass or vegetation provided that replanting shall be completed within a reasonable period of time after clearing as determined by the Town Manager.

Subsections Currently Lettered C Through I shall be Re-Lettered D Through J.

Effective Date. These amendments shall be effective on the date adopted by the Town Council.

Synopsis

This ordinance amends Sections 440-2, 440-3 and 440-4 to delete the word “destroy” from each Section; revises Section 475-29 C (Vacant Structures and Land); adds a New Subsection C (Lot Maintenance) to Section 475-30 and Re-letters Subsections C Through I as D Through J.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly-noticed and convened meeting at which a quorum was present on _____ 2020.

Attest: _____
Town Clerk

Mayor

This shall certify that the title and synopsis of the foregoing ordinance was posted at the Town Hall on _____, 2020, and published in _____ on _____, 2020.

So Certifies:

Date

Town Clerk

This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in _____ on _____, 2020 and that a copy of the foregoing ordinance was posted at the Town Hall on _____, 2020.

So Certifies:

Date

Town Clerk