

Chapter 104. Property Maintenance

Article II. Grass and Weeds

[Adopted 6-11-1994 by Ord. No. 43-94; amended in its entirety 8-8-2002 by Ord. No. 109-02]

§ 104-6. Authority.

This article is authorized by § C-4B of the Town Charter.

§ 104-7. Duty to mow and trim.

[Amended 11-9-2006 by Ord. No. 138-06; 12-12-2008 by Ord. No. 143-08; 10-10-2014 by Ord. No. 173-14]

It is the responsibility of all property owners to maintain a neat appearance of their property through the cuttings of grass and weeds. Trimming shall be required around shrubs, trees, poles, bulkheads, buildings and other similar objects. No property owner shall permit or cause any cuttings or clippings from such vegetation to be dropped, blown, or otherwise deposited in the canals. Any lot or subdivided lot, improved or unimproved, except wooded lots, showing grass and/or weeds, except ornamental and dune grasses, over 10 inches tall shall be in violation of this article. In the event that the property is not maintained, the Code Enforcement Constable will enforce compliance.

§ 104-8. Notice; enforcement; appeals; penalties for offenses.

[Amended 12-12-2008 by Ord. No. 143-08]

A.

The Town shall annually notify all property owners of the mow and trim requirements mandated in this article. Annual notifications may include, but not be limited to, the Town newsletter, or the Town News Update. The Town may remedy any violations of this article without further notice to the property owner(s).

[Amended 5-11-2018 by Ord. No. 191-18]

B.

Where any premises are determined to be in violation of § **104-7**, the Town shall arrange for the mowing and trimming of such property and will bill the property owner for the cost thereof, plus the penalty specified below. Included with the bill shall be notice of the property owner's right to appeal the Code Enforcement Constable's decision and proof of the violation, consisting of a photograph of the violation and, when applicable, an approximate measurement of the grass and/or weeds in violation of this article. If not paid when due, the costs for mowing and trimming, plus penalty, will be added to the Town's annual tax bill and as such shall constitute a lien upon the property.

C.

Any property owner may appeal the decision of the Code Enforcement Officer that the owner's property was in violation of this article by submitting such appeal, in writing, to the Town Manager within 10 business days of the date of the bill for the mowing and trimming costs. The Town Manager shall review the appeal and take appropriate action within 10 business days of receipt of the appeal.

D.

In addition to any other fee or penalty imposed by this section, any person found guilty of violating § **104-7** shall, upon conviction by any court of competent jurisdiction, pay a fine of not less than \$50 nor more than \$500, plus court costs and Victims Compensation Fund Assessment (if applicable). Pursuant to 25 Del.C. § 2901(a)(1)(i), such fine, costs and assessment shall constitute a lien upon the property. Each day of a continuing violation shall constitute a separate offense, punishable as such. In addition to any penalty set forth above, no parking permit shall be issued pursuant to Chapter **94** of the Town Code so long as violation of this article remains uncorrected or so long as any mowing and trimming costs or penalty imposed hereunder remains unpaid.