
TOWN OF LITTLE CREEK

ORDINANCES

September 2009

Effective Oct. 2009

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SECTION 1

Building Permits

1.1: Before any building or structure shall be commenced or undertaken, the person or persons, firm or corporation, being the owner or owners, or having charge of the said building or buildings, or the lands upon which such building or structure is to be erected, constructed, altered, repaired or removed, or the agent of such owner or owners, a building permit must be obtained from the Kent County Building Permits Office.

1.2: Before a building permit shall be granted under Section 1.1, a Certificate of Zoning Compliance shall be obtained from the Town of Little Creek as provided in the Town of Little Creek Zoning Ordinances.

1.3: Any building permit issued by Kent County shall be subject to the following limitation:

Any construction on the exterior of all additions and/or renovations shall be completed within twelve months from the date of the issuance of the permit by the Kent County Building Inspection Office. Completion shall include, but not be limited to, the installation of doors, windows, siding and paint where applicable, in accordance with the materials as included in the Building Permit Application.

1.4: One three-month extension for completion of the exterior portion may be approved by the Town Board of Little Creek, if required in writing and then if the work has been diligently pursued in good faith. An additional three-month extension may be approved with good cause. Good cause shall be designated as a substantial effort to complete the construction in accordance with the building permit and shall constitute at least 75 percent of the work completed.

1.5:

SECTION 2

Requirements for Installation and Repair of Sidewalks Within the Town of Little Creek

2.1: Any owner of property abutting, adjacent to, or forming a part of any public street, and upon which property a new structure is to be built, shall install at their own expense, and pursuant to specification set by the Board of the Town of Little Creek, sidewalks, curbs or gutters (hereinafter referred to as "sidewalks") pursuant to regulations adopted by the Town of Little Creek as set forth herein and such other regulation adopted by the Town of Little Creek.

2.2: The Board of the Town of Little Creek shall determine which particular street or streets, or a portion thereof, shall require sidewalks, or upon petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of the said Town of Little Creek, may direct the property owner or owners to lay or replace sidewalks with such material or materials as, in the judgment of the Board of the Town of Little Creek, may seem best under the circumstances.

2.3: The Board of the Town of Little Creek shall, at the time that it determines that the condition(s) of an existing sidewalk requires improvement for safety reasons, direct the property owner or owners to improve the sidewalks with such material or materials as, in the judgment of the Board of the Town of Little Creek, may be appropriate. The property owners are responsible for improving their sidewalks within ninety (90) days after notification by the Town through the Town Board.

2.4: Upon failure of the owner to install or improve said sidewalks within ninety (90) days stipulated in Section 2.3 above, the Town of Little Creek may install or improve them as needed and assess the cost thereof to the owner, payable by the owner according to the following options:

- (a) The owner shall agree in writing to payment in full within 90 days with no interest incurred; or
- (b) The owner shall, in writing, elect the two-year repayment schedule based on 9 percent simple interest assessed monthly at $\frac{3}{4}$ of 1 percent per month on the unpaid balance. *
- (c) The owner shall, in writing, elect the three-year repayment schedule based on 12 percent simple interest assessed monthly at 1 percent per month on the unpaid balance.

2.5: Should the owner or owners of property who have been directed to either repair or install sidewalks within the Town of Little Creek refuse or otherwise fail to do so or pay for such improvements or repairs under Section 2.4 above and should the Town Board determine that such refusal is without justification, then a lien shall be assessed against the property provided that the owner or owners of the property shall be accorded an opportunity to be heard.

2.6: All sidewalks shall be constructed pursuant to the provisions of this Ordinance and pursuant to the regulations and specifications set forth in the International Building Code, and shall be no less than four (4) feet in width and shall be installed with a grade to permit drainage to the street and comply with all other requirements of the town of Little Creek or the Town Board.

2.7: All sidewalks shall be completed according to the Town of Little Creek's regulations and specifications as set forth in Section 2.6 above. These specifications may be updated as necessary and shall be available to all property owners.

* Interest Rates may fluctuate as deemed necessary by the Board of the Town of Little Creek to cover the cost of records maintenance associated with repayments.

SECTION 3

Snow Removal from Sidewalks, Pavements or Walkways in the Town of Little Creek

3.1: It shall be unlawful for any owner or occupant of any premises in the Town of Little Creek in front or by the side of which shall be a sidewalk, pavement or walkway, to permit or allow snow to remain thereon for a longer period than 24 hours after it shall have ceased snowing. Violation of this Section shall be punishable by a fine of \$25.00. The Mayor of the Town of Little Creek or his/her designated agent shall have the authority to have snow removed from the sidewalk, pavement or walkway of the premises of any owner or occupant in violation of this Section and such owner or occupant shall pay, in addition to the penal fine herein provided, the costs of such removal.

SECTION 4

Ordinance Concerning The Control of Vegetation

4.1: It shall be in violation of this Ordinance for any person, groups of persons, firm, association or corporation or any such person or entity reflected on the Town of Little Creek tax rolls (“the responsible party”) having an ownership interest or possession of any lot, parcel of land (“the property”) with or without improvements to permit any grass or weeds or any other vegetation whatsoever other than edible vegetation, trees and flowers to grow higher than 10 inches from the ground.

4.2: When notified of a violation, the violator shall be given a minimum of five (5) days written notice to any of the above-identified entities referred to in Section 4.1 informing that person or entity that the Town of Little Creek shall proceed, without further notice to mow and control the growth of grass, weeds and other vegetation on the property and assess all costs against the responsible party. Such written notice shall be provided once each calendar year and shall not be rescinded unless a subsequent inspection by the Town Board reveals that the responsible party will control the height of the grass, weeds and other vegetation on the property. The notice must be rescinded in writing and will only be done so upon request by the responsible party. The costs thereof, together with any fines, shall constitute a claim against the owner or owners of said property and may be collected the same as any other fine or costs AS collected within the town of Little Creek.

4.3: Any responsible party in violation of the provisions of this Ordinance shall be charged with a violation and shall be fined \$25.00 for the first offense, \$50.00 for each week thereafter defined as a subsequent offense, together with costs, without the necessity of a separate citation or summons issued by the Town of Little Creek.

4.4: There shall be a minimum cost to be assessed against the responsible party by the Town of Little Creek for the mowing and control of grass, weeds or other vegetation on the property and that charge shall be \$50.00 per hour with a minimum charge of \$100.00.

SECTION 5

Ordinance Regulating The Keeping Of Pets Within The Town of Little Creek

5.1: Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) "Town Board" shall mean the group of elected officials acting as governing body for the Town of Little Creek.
- (b) "Person" shall mean an individual, firm, company, association, society, corporation or group.
- (c) "Shall" is mandatory; "may" is permissible.
- (d) "Pet" shall mean any domesticated or tame animal that is kept and cared for by a person.
- (e) "At large" shall mean off the premises of the person or owner and not under the control by leash, cord, chain, rope or otherwise.
- (f) "Owner" shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a pet.

5.2: It shall be unlawful for any person to maintain, control or bring within the Town of Little Creek any animal which is not domesticated unless otherwise authorized by the Town Board of Little Creek.

5.3: Any person having a pet within the Town of Little Creek must properly maintain the pet, and shall not permit that pet to become a public nuisance nor when grouped with one or more pets of the same species or different species shall permit said pets from becoming a public nuisance within the Town of Little Creek.

5.4: Concerning the handling and care for said pets, the following rules and regulations shall apply:

(a) The owner of any pet within the Town of Little Creek shall ensure that said pet be confined within the property boundary of any property owned by the person or leashed or otherwise occupied by the person and shall not permit said pet to wander or run at large unless otherwise expressly permitted by this Ordinance or other Ordinances within the Town of Little Creek.

(b) All persons owning a pet within the Town of Little Creek must insure that said animal does not commit waste, create noise, or cause damage to any property, other pets, persons or entities within the Town of Little Creek.

5.5: Any person harboring a pet not in compliance with this Ordinance or any section or sub-sections of this Ordinance shall, upon conviction thereof, before any court of competent jurisdiction, be subject to a fine of \$25.00 for the first offense and \$50.00 for each subsequent offense.

5.6: Severability. If any of the provisions of this Ordinance or the application of any provision thereof shall be held invalid, such invalidity shall not affect the remainder of said Ordinance, it being the intention of the Town of Little Creek that such remainder shall be and remain in full force and effect.

SECTION 6

Ordinance Concerning The Keeping of Dogs

6.1: Definition of Terms:

(a) "Vicious dog" is hereby defined to be any dog that attacks or bites any person in any public or private place. A vicious dog is hereby declared to be a public nuisance and detrimental to the public health and welfare.

(b) "Noisy dog" is hereby defined to be any dog that by frequent, habitual or continued noise disturbs any person or neighborhood. A noisy dog is hereby declared to be a public nuisance and detrimental to the public health and welfare.

(c) "Dog at large" is hereby defined to be any dog not on the premises of the owner and not under the control of a human being, either by leash, cord, chain, rope or otherwise, as defined in sec. 5.1E and 5.4A of this ordinance.

6.2: It shall be unlawful for any person to keep any vicious dog within the Town of Little Creek.

6.3: It shall be unlawful for any person to keep any noisy dog within the Town of Little Creek.

6.4: It shall be unlawful for any person to permit any dog to run at large within the Town of Little Creek at any time.

6.5: Any person who shall violate Section 6.2, 6.3, or 6.4 of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense.

SECTION 7

Ordinance Concerning the Keeping of Dangerous Animals Within the Town of Little Creek

7.1: Definitions:

(a) "Dangerous animals" shall mean any mammal, amphibian, reptile, or arachnid that, because of its size, nature, or other characteristic(s) would constitute a danger to human life or property if it escaped from secure quarters. Such animals shall include, but not be limited to, alligators, bears, boas (constrictor snakes), simians, crocodiles, felids, gavials, non-human primates, wolves, and any poisonous amphibian, reptile or arachnid. The term shall not include any domestic cats or dogs.

(b) "Person" shall mean any owner, individual, household, family, partnership, or corporation.

7.2: Prohibition of Dangerous Animals

(a) It shall be unlawful for any person to be in possession of any dangerous animal(s) within the Town of Little Creek. The purpose of this law is to protect the health, safety and welfare of persons and property within the Town of Little Creek.

(b) This provision shall not apply to a property/person legally constituted (permitted) such as a zoological park, licenses wildlife rehabilitator, licensed veterinarian, licensed pet store, bona fide educational or medical institution, animal shelter as defined by 7 Del.

C. Section 1701 or any traveling circus, carnival or exhibit.

7.3: Any person in possession of a dangerous animal at the time this ordinance is enacted must notify the Town Board of the Town of Little Creek in writing within fifteen (15) days. If notice is provided to the Town Board of the Town of Little Creek within fifteen (15) days after the enactment of this Ordinance, a hearing will be scheduled at the next regularly scheduled meeting of the Town Board. At this hearing, the Town Board, after considering the health, safety and welfare of the Town of Little Creek, may allow such person up to one year to relocate such dangerous animal.

7.4: Enforcement. Violation of any provision of this Ordinance is a misdemeanor punishable by a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense. Each dangerous animal possessed is a violation of this ordinance and each day it is possessed shall constitute and be punishable as a separate offense. Any fine imposed for a violation of this ordinance shall not be suspended to any amount less than the minimum prescribed fine.

SECTION 8

Public Nuisances

8.1: Purpose and Intent. The purpose and intent of this Ordinance is to establish an orderly procedure for the determination and abatement of public nuisances within the Town of Little Creek.

8.2: Public Nuisance Defined. “Public Nuisance” shall mean any conduct or condition which endangers life, health, safety, or the general welfare of the Town of Little Creek, or any conduct or condition which obstructs the reasonable and comfortable use of any property, gives offense to the senses, or violates common decency, including any particular conduct or condition which the Town Board of the Town of Little Creek may by resolution determine to be unreasonable, unlawful, annoying, inconvenient, discomforting, or damaging to any person or property.

8.3: Public Nuisances Prohibited. It shall be unlawful for any person, firm, corporation, association, or any other entity to cause or allow to exist, any public nuisance within the Town of Little Creek. The Town of Little Creek is hereby authorized to take appropriate action, as set forth herein, for the determination and abatement of any public nuisance.

8.4: Determination of Public Nuisance Notice. The Town of Little Creek may, upon the complaint of any resident of the Town of Little Creek or upon its own motion, determine by resolution that any particular conduct or condition constitutes a public nuisance as defined by this Ordinance. Upon determination that any particular conduct or condition constitutes a public nuisance as defined by this Ordinance, the Town Board of the Town of Little Creek shall give written notice (delivered in person or via certified mail) to the person, firm, corporation, association, or other entity causing or allowing such public nuisance to exist, which the notice shall specify:

- (a) The conduct or condition constituting the public nuisance, and a statement that such conduct or condition has been determined to constitute a public nuisance which violates this Ordinance;
- (b) The action deemed necessary to remove or correct the conduct or condition constituting the public nuisance, and a statement that such action must be completed within thirty (30) days from the receipt of said notice.
- (c) The action, if any, which the Town of Little Creek may take upon failure to remove or correct the conduct or condition constituting the public nuisance; and
- (d) The penalties which may be imposed for violations of this Ordinance. Such notice shall be presumed received upon personal delivery or upon the date such notice was deposited in the U.S. mail. The fact that such notice is not actually received shall not be a defense to enforcement of this Ordinance.

8.5: Opportunity for Public Hearing. Any person, firm, corporation, association, or other entity which receives any notice given pursuant to Section 8.4 of this Ordinance may request, in writing and within fifteen (15) days of receipt of said notice, a public hearing before the Town Board of the Town of Little Creek, in order to show cause, if any, why the Town of Little Creek should not proceed, pursuant to Section 8.6 of this Ordinance, with abatement of the conduct or condition deemed to constitute a public nuisance.

If a public hearing is properly and timely requested pursuant to this Section, the Town of Little Creek shall not take any abatement action pursuant to this Ordinance until such a public hearing has been held. Such public hearing may be conducted at the next regularly scheduled meeting of the Town Board of the Town of Little Creek, or sooner if necessary, but in any event shall be conducted no later than sixty (30) days from the date upon which the Town of Little Creek receives the written request for said hearing.

If, after said public hearing, the Town Board of the Town of Little Creek should not proceed, pursuant to Section 8.6 of this Ordinance, with abatement of the conduct or condition deemed to constitute a public nuisance, then the Town of Little Creek shall take no abatement action pursuant to this Ordinance. If, after said public hearing, however, the Town Board of the Town of Little Creek determines that the Town of Little Creek should proceed, pursuant to Section 8.6 of this Ordinance, with abatement of the conduct or condition deemed to constitute a public nuisance, then the Town of Little Creek may proceed, pursuant to Section 8.6 of this Ordinance, with abatement of the conduct or condition deemed to constitute a public nuisance; provided, nevertheless, that no abatement action shall commence any sooner than thirty (30) days after receipt of the notice required by Section 8.4 of this Ordinance. If a public hearing is not properly and timely requested pursuant to this Section, then the Town of Little Creek may proceed, pursuant to Section 8.6 of this Ordinance, with abatement of the conduct or condition deemed to constitute a public nuisance.

8.6: Procedure for Abatement of Public Nuisance. If any person, firm, corporation, association, or any other entity shall refuse or fail to remove or correct any conduct or condition constituting a public nuisance within thirty

(30) days from the receipt of any notice given pursuant to Section 8.4 of this Ordinance, then the Town of Little Creek may take whatever action is appropriate and reasonably necessary to abate such public nuisance, including but not limited to the physical removal or correction of said conduct or condition, and the Town of Little Creek or its designated agent is hereby authorized to enter upon any private property within the Town of Little Creek, without warrant, to accomplish this purpose.

Any and all costs or expenses incurred by the Town of Little Creek shall be assessed against the property harboring the public nuisance, and any such costs or expenses so incurred shall constitute a lien against said property which shall be collectible in the same manner as real property taxes within the Town of Little Creek.

8.7: Other Remedies. In lieu of or in addition to the aforesaid procedure for the abatement of any public nuisance, the Town of Little Creek may file a civil action for injunctive relief to enjoin any violation of this Ordinance, or any appropriate civil or criminal action for enforcement of the penalty provided by Section 8.8 of this Ordinance, or both, in any court of competent jurisdiction.

8.8: Penalty for Violations. Any person, firm, corporation, association, or other entity violating the provisions of this Ordinance may be sued or prosecuted before any court of competent jurisdiction, and upon judgment or conviction shall be responsible for the fines levied and all legal and court costs.

SECTION 9

Structure Constituting Health or Fire Hazards

9.1: It shall be unlawful for any person, firm or corporation to construct or maintain within the Town of Little Creek any building, house or structure which is a health menace because of inadequate water or sewage facilities, or any other reason which the Town Board deems to be a menace to the public health.

9.2: It shall be unlawful for any person, firm or corporation to maintain within the Town of Little Creek any building, house or structure which shall be deemed a public nuisance by the Town Board because of overcrowding among the inhabitants of the building, house or structure.

9.3: It shall be unlawful for any person, firm, or corporation to construct or maintain within the Town of Little Creek any building, house or structure which because of the physical condition of such building, house or structure shall be deemed by the Town Board unsafe or a menace to public health or fire hazard.

9.4: The Mayor and Town Board of the Town of Little Creek shall have the authority to order the abatement of the conditions which they deem to be the cause of the nuisance, or of the menace to the health of the Town or of the fire hazard, or to order such building, house or structure to be removed or razed.

9.5: Any person, firm or corporation violating the provisions of this ordinance or orders of the Town Board made under this ordinance shall, upon conviction, be fined \$50.00 for the first offense and \$100.00 for each subsequent offense. Each week of a continuing violation constitutes a separate offense.

SECTION 10

Dangerous Buildings

10.1: Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed “dangerous buildings.”

(a) Those whose 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.

(b) Those which, exclusive of the foundation, show a thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside wall covering.

(c) Those which have improperly distributed loads upon the floors or roofs in which the same are overloaded, or which have insufficient strength to be reasonably safe, for the purpose

(d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the Town of Little Creek.

(e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential 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, safety, or general welfare of those living therein.

(f) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of those living therein.

(g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(i) Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Town.

(j) Those buildings existing in violation of any provision of the Building Code of this Town, of Kent County, or any provision of the fire prevention code, or other ordinances of this Town.

10.2: Standard for Repair, Vacation and Demolition. The following standards shall be followed in substance by the Town Board in ordering repair, vacation or demolition:

(a) If the “dangerous building” can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

(b) If the “dangerous building” is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

(c) If any case where a “dangerous building” is fifty (50) percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be demolished. In all cases where a “dangerous building” is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the Town or statute of the State of Delaware, it shall be demolished.

10.3: Dangerous buildings-Nuisances. All “dangerous buildings” within the terms of Section 10.1 of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereafter provided.

10.4: Duties of the Mayor. The Mayor shall:

(a) Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or other buildings open for public business for the purpose of determining whether any conditions exist which render such places a “dangerous building” within the terms of Section 10.1 of this ordinance.

(b) Inspect or cause to be inspected any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is in violation of this ordinance.

(c) Inspect or cause to be inspected any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this Town as probably existing in violation of the terms of this ordinance.

(d) Inspect or cause to be inspected such other buildings as shall from time to time come to his attention as possible “dangerous buildings” within the terms of Section 10.1.

(e) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County, of any building found by him to be a "dangerous building" within the standards set forth in Section 10.1 of this ordinance, that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance; (2) the occupant or lessee must vacate the building in accordance with the terms of the notice and not remain in possession; (3) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County may at his own risk repair, vacate or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

(f) Set forth in the notice required in subsection (e) hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding 30 days, as is reasonable.

(g) Report to the Board any non-compliance with the "notice" provided for in subsection (e) and (f) hereof.

(h) Appear at all hearings conducted by the Board and testify as to the condition of "dangerous buildings."

(i) Place a notice on all "dangerous buildings" reading as follows:

This building has been found to be a dangerous building by the Mayor. This notice is to remain on the building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County. It is unlawful to remove this notice until such notice is complied with.

10.5: Hearing Before the Town Board. The Town Board of the Town of Little Creek shall:

(a) Upon receipt of a report of the Town Board as provided for in Section 10.4(g) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the records of the Recorder of Deeds of Kent County to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Town Mayor's notice provided for herein in Section 10.4(f).

(b) Hold a hearing and hear such testimony as the Town Mayor or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County shall offer relative to the "dangerous building."

(c) Make written findings of fact from the testimony offered pursuant to subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 10.1 hereof.

(d) Issue an order based upon findings of fact made pursuant to subsection (c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County to repair, vacate, demolish any building found to be a "dangerous building" within the terms of this Ordinance, setting the time within which said building shall be repaired, vacated or demolished and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building" or person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the Town as provided in subsection (c) hereof.

(e) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (d) hereof, within 10 days, the Board shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 10.2 of this ordinance, and shall with the assistance of the Town Attorney cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the property tax as an additional assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered

in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this Town, the Board shall notify the Town Attorney to take legal action to force the owner to make all necessary repairs to demolish the building.

(f) Report to the Town Attorney the names of all persons not complying with the order provided for in subsection (d) hereof.

10.6: Violations—Penalty for Disregarding Notices or Orders. The owner of any “dangerous building” who shall fail to comply with any notice or order to repair, vacate or demolish said building given by the Board shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense.

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given by the Board as provided for in this Ordinance shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense.

Any person removing the notice provided for in Section 10.4(i) hereof shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense.

10.7: Duties of the Town Attorney. The Town Attorney shall:

- (a) Prosecute all persons failing to comply with the terms of the order provided for in Section 10.5(d).
- (b) Appear at all hearings before the Board in regard to “dangerous buildings.”
- (c) Bring suit to collect all municipal liens, assessments or costs incurred in repairing or causing to be vacated or demolished “dangerous buildings.”
- (d) Take such other legal action as is necessary to carry out the terms and provisions of this Ordinance.

10.8: Emergency Cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a “dangerous building” as defined herein is immediately repaired, vacated or demolished, the Town Mayor shall report such facts to the Board, which may cause the immediate repair, vacation or demolition of such “dangerous building.” The costs of such emergency repair, vacation or demolition of such “dangerous building” shall be collected in the same manner as provided in Section 10.5(e) hereof.

10.9: Where Owner is Absent From the Town. In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the Town, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Kent County, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the “dangerous building” to which it relates. Such mailing and posting shall be deemed adequate service.

10.10: Administrative Liability. No officer, agent, or employee of the Town of Little Creek shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the Town of Little Creek as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the Town Attorney until the final determination of the proceedings herein.

10.11: Duties of the Fire Department. The members of the Fire Department of the Town of Little Creek shall report in writing to the Town Board all buildings or structures within the Town of Little Creek which shall come to their knowledge or attention as being “dangerous buildings” within the terms of this Ordinance.

10.12: Separability. It is the intention of the Town Board that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town Board that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 11

Explosives

11.1: It shall be unlawful for any person(s), entity or corporation to load, unload, store, keep, convey, transport or manufacture any explosives of any nature, excluding bullets or shotgun shells, within the limits of the Town of Little Creek without the express written permission of the Town Board.

11.2: Any person(s), members of any entity or officers of any corporation, or the agents or employees of any person(s), entity or corporation convicted of a violation shall be fined not less than \$50.00 for the first offense and \$100.00 for each subsequent offense.

SECTION 12

Making, Creating or Permitting of Unreasonably Loud, Disturbing or Unnecessary Noise Prohibited

12.1: The Town Board finds and determines that the people of the Town of Little Creek are entitled to and should be insured an environment free from noise which unnecessarily degrades the quality of life and disturbs the common tranquility, that the levels of noise often reach such a degree as to endanger the health, safety and welfare, jeopardize the value of property, and erode the integrity of the local environment.

12.2: The making, creation or permitting of any unreasonably loud, disturbing and unnecessary noise within the corporate limits of the Town is hereby prohibited.

12.3: The making, creation or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either disturbs, injures or endangers the comfort, repose, peace or safety of any individual is hereby prohibited.

12.4: The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(a) **Blowing Horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of such device for any unnecessary and unreasonable period of time.

(b) **Radios, Phonographs, Tape Recorders, etc.** The playing of any radio, phonograph, tape recorder or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence or between the hours of 9:00 a.m. and 6:00 p.m. to annoy or disturb the peace and quiet of pedestrians on the public streets and sidewalks of the Town.

(c) **Pets.** The keeping of any animal or bird, which by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(d) **Use of Vehicle.** The use of any automobile, truck, motorcycle, motorbike, moped, motor scooter, "dirt bike" or other self-propelled vehicle whether licensed and registered to operate on the public highways of this State or not, so designed, loaded, out of repair, or operated in such a manner as to create unreasonably loud and unnecessary grating, grinding, rattling or other noise.

(e) **Blowing Whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(f) **Loudspeakers or Amplifiers.** Provided that it is in the exercise of free speech, loud speakers or amplifiers may be used for non-commercial purposes under the following conditions:

- (1) Loud speakers or amplifiers may be used between the hours of 8:00am and 10:00pm.

(2) It shall be unlawful to speak into a loud speaker or amplifier within the corporate limits of Town, between the hours of 10:00 p.m. and 8:00 am

(3) It shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the Town when such loud speaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of 150 feet from the person speaking.

12.5: Penalty. Any person, firm, association, partnership, corporation or any group of individuals acting singly or in concert, violating this Ordinance shall be guilty of a misdemeanor and shall forfeit and pay a fine of \$50.00 for the first offense and, for each subsequent offense pay a fine of \$100.00.

SECTION 13

Disorderly Conduct

13.1: Definition

- (a) "Public Place" shall mean any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas or parks.
- (b) "Riot" shall mean a public disturbance involving:

- i. an act of violence by one or more persons part of an assemblage of three (3) or more persons which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or
- ii. a threat or threats of the commission of an act or acts of violence of three (3) or more persons having, individually or collectively, the ability or immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(c) "Incite a riot" shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

- i. advocacy of ideas, or
- ii. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

13.2: A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm or disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance he willfully does any of the following acts in a public place.

(a) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;

(b) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

(c) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

(d) interferes with another's pursuit of a lawful occupation by acts of violence;

(e) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the city police or other lawful authority known to be such;

(f) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his safety or the safety of others;

(g) Resists or obstructs the performance of duties by any authorized official of the town, when known to be such an official;

(h) Incites, attempts to incite, or is involved in attempting to incite a

(i) Addresses abusive language or threats to any member of the town police department, any other authorized official of the city who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;

(j) Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;

(k) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;

(l) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

(m) Uses abusive or obscene language or makes an obscene gesture;

(n) This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

13.3: Enforcement. Punishable by a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense.

SECTION 14
**Use of Vehicle, Public Street, or Public
Place for Sleeping Quarters**

14.1: It shall be unlawful for any person to sleep in, occupy or live in or otherwise be found using a motor vehicle for sleeping quarters on any public street or at any public place within the Town of Little Creek. Violations of this Section shall be punishable by a \$50.00 fine for the first offense and \$100.00 for each subsequent offense.

SECTION 15
Houses of Prostitution

15.1 It shall be unlawful for any person, firm or corporation to operate or maintain within the limits of the Town of Little Creek any house of prostitution or assignation

15.2 Any person, firm or corporation violating the provisions of this Ordinance shall be punishable by a fine of \$100.00 for the first offense and \$500.00 for each subsequent offence.

SECTION 16
Curfew

16.1: It shall be unlawful for any child up to the age of 18 years to go or be upon any public street, alley or other public place in the Town of Little Creek after ten o'clock in the evening unless such child is accompanied by a parent or other person having custody appointed by a Court of appropriate jurisdiction of such minor. Exception is allowed if the child is going to or returning home from work, church, school, or a Fire Co. function.

The Current Ordinance is as follows:

SECTION 14 – USE OF VEHICLE, PUBLIC STREET, OR PUBLIC PLACE FOR SLEEPING QUARTERS.

14.1 It shall be unlawful for any person to sleep in, occupy or live in or otherwise be found using a motor vehicle for sleeping quarters on any public street or at any public place within the Town of Little Creek. Violations of this Section shall be punishable by a \$50.00 fine for the first offense and \$100.00 for each subsequent offense.

Proposed Change – underline language proposed, strikethrough language to be deleted

SECTION 14 – USE OF VEHICLE, ~~PUBLIC STREET, OR PUBLIC PLACE~~ FOR SLEEPING QUARTERS

14.1 It shall be unlawful for any person to sleep in, occupy or live in ~~or otherwise be found using a~~ any motor vehicle, camper or RV for sleeping quarters on any public street or at any public place within the Town of Little Creek. Special permission may be obtained from the Town Board in advance for mitigating circumstances. Violations of this Section shall be punishable by a \$50.00 fine for the first offense and \$100.00 for each subsequent offense.

2416.2: It shall be unlawful for a parent or other person having legal custodial care of any child up to the age of 18 years to permit or allow such child to go or be upon any public street, alley, or other public place in the Town of Little Creek after ten o'clock in the evening unless such child is accompanied by a parent or other person having legal custody appointed by a Court of appropriate jurisdiction of such minor. With the exception stated in Sec. 16.1 **16.3:** Violations of Sections 16.1 or 16.2 of this Ordinance shall be punishable by a fine of \$50.00 for the first offense and \$100.0 for each subsequent offense.

SECTION 17

Disorderly Use of Premises

17.1: Definitions. For the purposes of this Section, the following definitions shall apply and supersede any other conflicting definitions found in the Ordinances of the Town of Little Creek.

- (a) **Premises:** Shall mean a lot, together with all buildings and structures thereon.
- (b) **Person(s) in Lawful Possession:** Any owner of record or his representative or agent or any lessee who is in legal possession of the premises.
- (c) **Occupant and/or User:** Any person(s) occupying or present on the premises.

17.2: Proscribed Conduct for Occupants and/or Users. Any person occupying or present on a premise who by himself or in concert with other occupants and/or users causes public inconvenience annoyance, or alarm to any other person or persons, or who creates an unreasonable risk thereof by engaging in or causing any of the following conduct shall be violating this Ordinance:

- (a) Engaging in fighting or in violent, tumultuous, or threatening behavior.

(b) Making, creating or permitting any unreasonably loud, disturbing or unnecessary noise, or making, creating or permitting any noise of such character, intensity or duration as to be detrimental to the life, health and welfare of any reasonable person(s) of normal sensitivities, or which disturbs, injures or endangers the comfort, repose, peace or safety of any such individual. Excepted under this paragraph shall be normally operating mechanical equipment related to the premises, lawn care, and lawfully conforming construction equipment.

(c) Playing any television, radio, phonograph, tape deck, compact disk player or musical instrument in such a manner or at such volume as to annoy or disturb the peace, quiet, comfort, repose or the proper enjoyment of property of any reasonable person(s) of normal sensitivities in any other premises. The playing of such device(s) in such a manner as to be plainly audible and unreasonably loud to a reasonable person(s) of normal sensitivities at a distance greater than 25 feet from the property line of the owner of record of said premises shall be prima facie evidence of the violation of this Ordinance.

(d) Yelling, shouting or singing at such volume as to be plainly and disturbingly audible to the human ear outside the premises.

(e) Making any offensive, obscene or profane utterance, gesture or display to another person or persons in such a manner as is likely to provoke a violent or disorderly response.

(f) Obstruction or hindering the free and convenient passage of person(s) walking, riding or driving over, along or across any public way, sidewalk, pavement, street or alley.

(g) Engaging in any act of indecent exposure or public display of an obscene act or gesture.

(h) Urinating in public view.

(i) Creating a hazardous or physically offensive condition which serves no legitimate purpose.

(j) Engaging in any conduct which would be a violation of Subchapter VII of Title 11 of the Delaware Code.

17.3: Proscribed Conduct: Person(s) in Lawful Possession. Any person(s) in lawful possession of a premise who by himself or in concert with other occupants and/or users causes public inconvenience, annoyance or alarm to any other person(s), or who recklessly endangers the public health or safety of any person(s) upon the premises, or recklessly endangers the public health and/or good order of the Town by engaging in or causing any of the following conduct shall be violating this Ordinance:

(a) Permitting any disturbing noise as may be generated by any gathering of person(s) and where such noise is of such intensity or duration as to be audibly disturbing and endangers the comfort, repose, peace or safety of any reasonable person(s) of normal sensitivities in any other premise. Such noise, when plainly audible to a reasonable person of normal sensitivities at a distance greater than 50 feet from the property line of the owner of record of said premises shall be prima facie evidence of the violation of this Ordinance.

(b) Permitting any action which shall create a substantial risk of physical injury to other person(s) either directly or by the destruction of a structure which could collapse or fall into or otherwise injure person(s). For purposes of this paragraph, tumultuous actions and structural overcrowding of balconies, decks, stairs, porches and interior spaces are examples of, but not limiting, actions which create substantial risk.

17.4: Prescribed Conduct for Person(s) in Lawful Possession.

(a) Any person(s) who, after official notice as herein provided, allows, permits or fails to take affirmative action to prevent subsequent violations in this Ordinance shall be deemed to be promoting the use of the premises for disorderly conduct and therefore shall be in violation of, and subject to the penalties of this Ordinance.

(b) An owner or agent of record shall be presumed to have allowed, permitted or failed to take affirmative action to prevent a subsequent violation of this Ordinance where a violation of 17.2 and/or 17.13 of this Ordinance occurs after such has been provided official notice by the Town Board of Little Creek of a previous violation for conduct proscribed by 17.2 and/or 17.3 of this Ordinance.

(c) Official notice, as used herein, shall mean verbal or written notice to the owner or agent of record, of conviction for conduct as proscribed by 17.2 and/or 17.3 of this Ordinance. Such notice shall be provided by the Town Board within five (5) working days of such conviction. If written notice is attempted, it shall be deemed effective by mailing to the owner or agent of record at his last known mailing address by Certified Mail, return receipt requested, with proper postage affixed. If such notice comes back undeliverable (except "refused"), the Town shall exercise reasonable efforts to provide actual notice by some other means.

17.5: Proscribed Conduct Lessors.

(a) All written leases and agreements applying to residential property within the corporate limits of the Town of Little Creek shall require that all parties had the opportunity to read this Ordinance.

(b) Any lease between the owner of record and/or his agent and any lessee(s) of any premises, shall be terminated upon the second violation, under this Ordinance, of either the lessee(s) and/or any occupant(s)/user(s) of said premises.

(c) Any owner or agent acts knowingly and shall be in violation of this Ordinance if he permits lessee(s) to remain in possession of the premises after the occupant(s)/user(s) have twice been convicted under this Ordinance.

17.6: Penalty:

(a) Any occupant and/or user found guilty of violating 17.2 of this Ordinance shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense plus costs.

(b) Any person(s) in lawful possession found guilty of violating 17.3 of this Ordinance shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense plus costs.

(c) Any person found guilty of violating 17.4 of this Ordinance shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense plus costs.

SECTION 18

Traffic, Parking and Vehicles

18.1: Stopping, Standing or Parking in Specific Places.

(a) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic controlled device in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking a vehicle would obstruct traffic.
- (4) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (5) At any place where official signs prohibit stopping, standing or parking.

(6) At any place where such parking, standing or stopping obstructs the free passage of other traffic.

(b) No person shall move a vehicle not owned by such person into any area prohibited under subsection (a) of this Section or away from a curb such as is unlawful.

18.2: Handicap Parking.

(a) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(1) "Vehicle" of the handicapped means a vehicle which is displaying a special handicapped registration plate on the rear of the vehicle issued pursuant to 21 Del. C Section 2134 (or any future corresponding provision of law) or a vehicle displaying a special handicapped ID parking card in the windshield, such ID card issued pursuant to Del. C Section 21135 (or any future corresponding provision of law) or a place or permit issued under a similar provision in another jurisdiction.

(b) **Prohibited Conduct.** No person shall park any vehicle other than a vehicle of the handicapped in any area under the control of and designated by the State Department of Transportation or by the Town, or by the owners or lessees of private property in the Town as a handicapped parking zone and conspicuously marked as such.

18.3: Parking in Fire Lanes.

(a) **Prohibited Conduct.** No person shall stop, stand or park a vehicle in any place which has been designated and property identified as a fire lane pursuant to regulations of the State Fire Marshal or in an area designated for a fire hydrant or standpipe connection, except in compliance with the directions of a police officer or traffic control device.

(b) **Enforcement by Towing.** Any Town Board member is hereby authorized to remove or cause to be removed, and stored at the owner's expense, any unattended vehicle left standing wholly or partially within a fire lane or any unattended vehicle left standing in a location so as to cause an obstruction to the accessibility to a fire lane, fire hydrant or standpipe connection.

18.4: Parking of Trucks and Other Heavy Equipment. No person shall park or allow to remain parked any truck, mobile heavy construction equipment or other vehicles licensed by this state or any other state as a commercial vehicle in excess of one ton on any public street, road, alley or way within the limits of the Town, except as provided in subsequent sections of this Ordinance. For purposes of this section, “park” shall mean to bring a vehicle to a stop and leave remaining in one place for in excess of five minutes.

18.5: Liability for Costs. The registered owner of a towed vehicle shall be responsible for payment in full of all removal and storage costs.

18.6: Penalty and Fines.

(a) Any person convicted of violating this Ordinance shall be deemed guilty of a violation and, upon conviction before any court of competent jurisdiction, shall be penalized as follows:

- (1) First Offense.....\$10.00
- (2) Second Offense.....\$25.00
- (3) Third Offense.....\$50.00

For Purposes of determining whether a violation of this Ordinance is a second, third or subsequent offense, only violations occurring within 180 days immediately prior to the violation in question and resulting in convictions will be counted.

Each day that a violation of this ordinance or any provision thereof continues shall be considered as a separate offense and penalties shall be imposed accordingly.

SECTION 19

The Abandonment, Wrecked, Dismantled, Inoperative or Unregistered Vehicle Ordinance

19.1: Short Title This Ordinance shall be known and may be cited as “The Abandoned, Wrecked, Dismantled, Inoperative, or Unregistered Vehicle Ordinance.”

19.2: Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in any particular tense, gender, or number shall include any other tense, gender, or number necessary to render meaningful any language used herein. The word “shall” is always mandatory and never merely directory.

(a) “Town” is the Town of Little Creek, a municipal corporation of the State of Delaware.

(b) “Vehicle” is any machine propelled by power other than human power, designed to travel above, along, or below the ground, by use of wheels, treads, runners, or slides, to transport persons or property, or to pull machinery or other trailers or carriages, and shall include without limitation, any automobile, truck, trailer, motorcycle, tractor, buggy, or wagon.

(c) “Wrecked, Dismantled, or Inoperable Vehicle” is any vehicle, with or without a current and valid registration, which (i) is entirely or partially wrecked, junked, or dismantled, (ii) is in such a state of disrepair as to be incapable of being operated in the manner for which it was designed or intended, or (iii) has had its wheels, engine, transmission, or any other substantial part thereof removed.

(d) “Person” is any person, firm, partnership, association, corporation, company or organization of any kind.

(e) “Private Property” is any real property within the Town which is privately owned and which is not defined as public property herein.

(f) "Public Property" is any real property in the Town which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

(g) "Abandoned Vehicle" is any vehicle, with or without a current and valid registration, which is left unattended on public property for a period in excess of two weeks under such circumstances as to cause such vehicle reasonably to appear to have been abandoned and includes, without limitation, any unregistered vehicle as defined herein.

(h) "Unregistered Vehicle" is any vehicle which is without a current and valid registration from, or otherwise properly registered, with the appropriate Division of Motor Vehicles, and includes any vehicle without a license plate and any vehicle with a fictitious registration or a fictitious license plate.

19.3: Wrecked, Dismantled, Inoperable, or Unregistered Vehicles on Public Property Prohibited and Declared a Nuisance. No person shall park, store, leave, abandon, or permit the parking, storing, leaving, or abandonment of any wrecked, dismantled, or inoperable vehicle, or any unregistered vehicle of any kind, whether attended or not, upon any public property within the Town for a period of time in excess of 72 hours. The presence of any such vehicle(s), or any parts thereof, on public property is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this ordinance. The temporary or intermittent movement or removal of such vehicle shall not be deemed to interrupt the running of the 72-hour period. This section does not apply to vehicles parked or stored on public property by the Town.

19.4: Abandonment of Vehicles on Public Property Prohibited and Declared a Nuisance.

(a) No person shall park, store, leave, or abandon, or permit the parking, storing, leaving, or abandonment of any vehicle (not otherwise prohibited as a wrecked, dismantled, or inoperable vehicle, or otherwise prohibited as an unregistered vehicle) of any kind upon any public property within the Town, even if bearing a current and valid registration, for a period of time in excess of two weeks under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The presence of any such vehicle(s), or any parts thereof, under such circumstances is hereby declared to be a public.

nuisance which may be abated in accordance with the provisions of this ordinance. This section does not apply to vehicles parked or stored on public property owned by t

(b) Any person may notify the Town Board, in writing, of the fact that they will be absent from the Town or are otherwise unable to move their vehicle for an extended period of time (as specified therein) and, in such event, that person's vehicle shall not be deemed to be in violation of this section of this ordinance until the expiration of two weeks from the time specified by the written notice to the Town Board. Provided, however, that nothing in this paragraph shall excuse such persons from compliance with other Town Ordinances regulating the parking and/or storage of vehicles on public property in the Town.

19.5: Wrecked, Dismantled, Inoperable, or Unregistered Vehicles on Private Property Prohibited and Declared a Nuisance; Exceptions.

(a) No person shall park, store, leave, or abandon, or permit the parking, storing, leaving, or abandonment of any wrecked, dismantled, or inoperable vehicle, or any unregistered vehicle of any kind, whether attended or not, upon any private property within the Town in excess of 15 days. The temporary or intermittent movement or removal of such vehicle shall not be deemed to interrupt the running of the 15-day period. The presence of any such vehicle(s), or any parts thereof, on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Ordinance.

(b) This section shall not apply to:

- (1) Any vehicle enclosed within a building or fence on private property in such a manner that it is not visible from without such enclosure.
- (2) Any vehicle held in connection with a business enterprise lawfully licenses by the appropriate governmental agency for the servicing and repair of such vehicles and properly operated in an appropriate business zone pursuant to the zoning ordinances of the Town.

19.6: order for Removal:

(a) **On Public Property.** Whenever it comes to the attention of The Town Board that any nuisance as defined in Section 19.3 or 19.4 of the Ordinance appears to exist on public property, the Town Board shall cause a written order to be affixed to the vehicle, declaring the existence of the nuisance and ordering whosoever has an interest in the vehicle to comply with this Ordinance by removing said vehicle within 72 hours of notice.

(b) **On Private Property.** Whenever it comes to the attention of the Town Board that any nuisance as defined in Section 19.5 of this Ordinance appears to exist on private property, the Town Board shall cause a written order to be affixed to the vehicle, declaring the existence of the nuisance and ordering whoever has an interest in the vehicle to comply with this ordinance by removing said vehicle within 72 hours of the notice. In addition to affixing an order to the vehicle itself, a copy of said notice shall be left at the property with a duplicate copy sent to the owner and occupant by certified mail, return receipt requested.

(c) **Form of Order.** Any orders required under Section 19.6(a) above shall contain the following information:

- (1) A description of such vehicle, including the make, year, model, color and registration number, if known;
- (2) The location of such vehicle;
- (3) The date and time that the order was affixed to the vehicle;
- (4) an order for removal within 72 hours from the time the order was affixed to the vehicle.
- (5) That, upon failure to comply with the order for removal, the Little Creek Town Board shall remove or cause to be removed such vehicle.

(6) **Form of Order.** Any orders required under Section 19.6(b) above shall

- (1) A description of such vehicle, including the make, year, model, color and registration number, if known;
- (2) the location of such vehicle;
- (3) the date and time that the order was affixed to the vehicle;
- (4) an order for removal within 72 hours from the time the order was affixed to the vehicle;

(5) that upon failure to comply with the order for removal, the Town Board shall remove or cause to be removed such vehicle.

(6) that the owner of the vehicle and/or owner or occupant of the property upon which said vehicle is located may request a hearing before the Town Board at which hearing they may introduce such witnesses and evidence as they deem necessary and relevant to the issue of whether the vehicle constitutes a nuisance as defined herein. The Order shall state that any request for a hearing shall be in writing addressed to the Town Board and filed within 72 hours (not counting weekends or holidays) following the affixing of the Order on the vehicle under 19.6(b).

19.7: Hearing Procedures.

(a) Upon receiving a require for a hearing pursuant to 19.6(d)(6), the Town Board shall set the hearing for the next regular meeting of the Town Board and shall, in addition to placing it upon the meeting agenda, give notice to the person requesting the hearing. No other notices are required.

(b) At such hearing, the Town Board shall produce evidence relevant to the issue of whether or not the vehicle is a nuisance in violation of this Ordinance. The person requesting such hearing shall then be permitted to introduce such witnesses and evidence as he desires relevant to that issue.

(c) All witnesses shall be placed under oath. Strict rules of evidence shall not be required but the Ton Board may accept any relevant evidence of a probative nature which, in the opinion of the Town Board, is such as could reasonably be relied upon by persons of common sense and prudence.

(d) At the conclusion of such hearing, the Town Board shall determine, by majority vote, whether or not they find that the vehicle constitutes a nuisance in violation of this ordinance. Such determination, with a brief statement of the findings upon which that decision was made, shall be entered in the minutes of the meeting.

19.8: Removal of Vehicles. Within the time for removal set forth in the Order for removal, or within 72 hours of the hearing at which the Town Board determines that the vehicle is a nuisance in violation of this ordinance, the owner of the abandoned, wrecked, dismantled, inoperable, or unregistered vehicle and (if on private property) the owner or occupant of the private property on which the same is located, any or all of them, shall cause the removal of the vehicle. If the violation is not remedied within the time set forth herein, the Town Board will remove or have removed such vehicle from the premises.

Such vehicles shall be removed only by wreckers or towing services duly licensed by the State of Delaware. It shall be unlawful for any person to interfere with, hinder, or refuse to allow the Town Board and/or any person acting in concert with or at the direction of the Town Board to enter upon private property for the purpose of removing a vehicle under the provisions of this Ordinance.

19.9: Notice of Removal.

(a) In the event that the Town should be or become liable for all or any portion of the expenses incurred in the removal and storage of such vehicle, the Town may:

(1) Recover same from the owner of the vehicle and/or the owner of the private property from which it was removed in an action for debt; or

(2) add that amount to the tax bill of the person owning the private property from which the vehicle was removed, or both; provided, however, that wherever the private property from which such vehicle has been removed is occupied by a person other than the owner of the property, the occupant shall be primarily responsible and the Town shall not seek to recover from the owner of the property (either in an action at law or by tax collection proceedings) before it exhausts reasonable efforts to recover from the occupant, but this shall not prohibit the Town from joining both the property owner and occupant in one action for debt.

19.10: Penalty. Any person knowingly causing or permitting a nuisance to exist in violation of this Ordinance shall forfeit and pay a fine of \$50.00 plus costs of prosecution for the first offense and pay a fine of \$100.00 plus costs of prosecution for each subsequent offense. Each day following the expiration of the 72-hour period for removal shall constitute a separate offense .

19.11: General. If any section, subsection, paragraph or other provision of this Ordinance, or its application to any person or circumstances shall be held invalid or unconstitutional, such holding shall not affect the validity of any other section, subsection, paragraph, or other provision, of its application to other persons or circumstances. The Town Board hereby expresses the intent that it would have enacted the other provisions of this Ordinance as if the invalid or unconstitutional provision was not contained therein.

SECTION 20

Dog Kennels

20.1 It shall be unlawful for any person or persons, firm or corporation to house and maintain more than four (4) dogs in the corporate limits of the Town of Little Creek unless such person(s), firm or corporation is a licensed kennel as provided for by this Ordinance, or maintains and uses the dogs for hunting purposes.

20.2 Upon application for a license for the maintenance of a kennel within the corporate limits of the Town of Little Creek, a Town Board member shall inspect the premises and facilities thereon for which kennel licenses are requested. Upon approval of facilities, compliance with all zoning requirements, the applicant shall be issued a license to maintain a kennel within the corporate limits of the Town of Little Creek. Said license must be renewed annually and is revocable as provided for by this Ordinance.

20.3 A Board member shall make an annual inspection of all kennels licensed under this ordinance and a special inspection at any time upon petition signed by not less than five residents of the Town of Little Creek. In the event an inspected kennel should be deemed unclean, unfit or a public nuisance, the license holder shall have five days from the day of inspection to remedy such unsatisfactory condition to the satisfaction of the said Board Member or suffer revocation of this license.

20.4 Violation under this Ordinance shall be punishable by a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense and each day of violation shall be deemed a subsequent separate offense.

SECTION 21

Ordinance of the Town of Little Creek Adopting a Realty Transfer Tax

21.1: Definitions. For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) Town Board – The Town Board of the Town of Little Creek.

(b) Document – Any deed, instrument, or writing whereby any real estate within the corporate limits of the Town of Little Creek or any interest therein, shall be quit-claimed, bargained, sold, or otherwise conveyed to the grantee, but shall not include the following exceptions as described in Title 30, Chapter 54, Delaware Code Section 5401, which are hereby adopted and incorporated herein as exceptions to the definition of documents in this Ordinance. To the extent that other sections under Title 30, Chapter 54 are referenced in Title 30, Delaware Code 5401, included but not limited to Section 5401(4)(5), and (6), these sections are also hereby adopted and incorporated herein by reference.

(c) Transaction – The making, executing, delivering, accepting, or presenting for recording of a document.

(d) Value – In the case of any document granting, bargaining, selling, or otherwise conveying any land, tenement or hereditaments, or interest therein, the amount of the actual consideration there for, including liens or other encumbrances thereon and ground rent, or a commensurate part of the liens or other encumbrances and ground rent also encumber other lands, tenements, or hereditaments. Where such document shall not set forth the real or bona fide consideration therefore, the “value” thereof shall be determined from the price set forth in or actual consideration for the contract of sale, or in the case of a gift or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold, or otherwise conveyed, which in either event shall not be less than the amount of the estimate full value of such lands, tenements or hereditaments for local tax purposes as determined by the Board of Assessment of Kent County, State of Delaware.

21.2 Levy of Tax; Exemptions.

(a) Every person who makes, executes, issues or delivers any document, or in whose behalf any document is made, executed, issued or delivered, shall pay therefore and in respect thereof, or for and in respect to the vellum, parchment or paper upon which such document is written or printed, a tax at the rate of one and one-half percent (1.5%) of the value of the property represented by such document, which tax shall be payable at the time of the making execution, issuance or delivery of such document; said tax is to be apportioned equally between grantor and grantee unless otherwise provided for by agreement of the parties.

(b) Where a person acquires title to any lands, tenements or hereditaments as a nominee or as a straw party for the real grantee or purchaser, the transfer of such title by such nominee or straw part to the real grantee or purchaser shall be exempt from this tax.

(c) Where a person acquires title to any lands, tenements or hereditaments for the purpose of holding same as a nominee or as a straw party for the grantor, such transfer of title to the nominee or straw party shall be exempt from this tax.

21.3: Payment of Tax Generally.

(a) The payment of the tax imposed by this ordinance shall be evidenced by the use of a mechanical, electronic device indicating the amount of tax imposed.

(b) The evidence of payment and the collection of the tax shall be collected by the Kent County Recorder of Deeds at the time of recordation of the document.

(c) The Town of Little Creek will provide to the Kent County Recorder of Deeds the mechanical or electronic device to indicate the amount of tax imposed if required by the Kent County Recorder of Deeds.

(d) The Kent County Recorder of Deeds may charge a reasonable fee for the collection of the tax imposed and shall forward the tax to the Town of Little Creek.

(e) The tax imposed by this Ordinance shall be fully paid and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale, and of the writ upon which the sale is made, and the sheriff or other officer conducting such sale shall pay the tax herein imposed out of the first monies paid to him in connection therewith, unless previously paid by any party; provided, however, that any tax imposed by the state shall have priority over the tax imposed under this Ordinance. The value for determining the tax shall be the highest of the following:

- (1) The bid price;
- (2) The amount of the mortgage not in excess of the fair value of
The real estate
- (3) The estimated full value;
- (4) The full and complete value pursuant to Section 24.1(d).

21.4: Liability for Payment of Tax as Between Parties. As between the parties to any transaction which is subject to the real estate transfer tax imposed by this Ordinance, in the absence of an agreement to the contrary, the burden for paying such tax shall be on the grantor.

21.5: Recordation of Documents. No document shall be recorded in the office of the Recorder of Deeds in and for Kent County unless otherwise acceptable under the Rules and Regulations of Kent County.

21.6: Use of Funds. Shall be determined by the Mayor and Town Board of Little Creek.

21.7: Miscellaneous.

(a) This Ordinance is adopted pursuant to the authority granted by the Town of Little Creek Charter being Chapter 291, Volume 66, of the Laws of Delaware, as amended, and the authority granted by House Bill No. 757 of the 139th General Assembly of the State of Delaware.

(b) If any section, subsection, paragraph, or other provision of this ordinance, or its application to any person or circumstances shall be held invalid or unconstitutional, such holding shall not affect the validity of any other section, subsection, paragraph, or other provision, of its application to other persons or circumstances. The Town Board hereby expresses the intent that it would have enacted the other provisions of this Ordinance as if the invalid or unconstitutional provision was not contained therein.

SECTION 22

Ordinance Providing Partial Tax Reduction for Totally Disabled Property Owners and Property Owners 62 Years of Age and Older

22.1: Title. This Ordinance shall be known as the Ordinance Providing Partial Tax Reduction for Totally Disabled Property Owners and Property Owners 62 Years of Age or Older.

22.2: Qualifications for Participation. To qualify under this Ordinance, an applicant must be either (a) totally disabled and able to document said disability by meeting the definition of “totally disabled” as defined by Social Security Disability or by filing certified copies of any award letters from government agencies indicating that the applicant is totally disabled, or (b) 62 years of age or older at the beginning of the tax year for which the application is made. However, an individual may only apply for inclusion under this Ordinance under one of the two provisions above. All financial obligations to the Town of Little Creek must be current.

22.3: Residence Qualification. The dwelling for which the reduction is sought must be the principal place of residence of the applicant at the time of application and must have been the principal place of residence for the past 12 months immediately preceding the tax year for which application is being made.

22.4: Ownership Qualification. Title to the property for which the reduction is sought must be in the name of the applicant, or if married, in the name of the applicant and applicant’s spouse, as reflected in the official records of Kent County. In the event that the ownership of the residence dwelling is shared by the applicant and spouse with others who do not qualify for participation under this Ordinance, then the reduction permitted in shall apply to the proportionate share of the residence dwelling owned by the applicant and spouse.

SECTION 23

Ordinance Concerning the Duty to Post Property Street Numbers

23.1: Duty to Post Numbers. Every house, building or structure used or intended for use as living quarters or as a place for conducting business and having any wall facing or abutting any public or private street or alley shall have displayed on that wall in legible, easily read characters which are of contrasting color to the background, the property street number for such house, building or structure.

23.2: One and Two-Family Residential Structures.

- (a) The number shall measure a minimum of four (4) inches in height.
- (b) The number shall be placed on the house above or to the left or right of the front entrance.
- (c) The number shall be contrasting to the background color.
- (d) All numbers shall be Arabic numerals.

23.3: Multiple Family Dwellings.

- (a) The number shall measure six (6) inches in height.
- (b) Numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot.
- (c) Numbers shall be contrasting to the background color.
- (d) All numbers used shall be Arabic numerals.

23.4: Commercial, Industrial and Office Buildings.

- (a) The numbers shall measure a minimum of six (6) inches in height.
- (b) Numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot.
- (c) Should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building.
- (d) Numbers shall be contrasting to the background color and shall be placed on each building in the complex.
- (e) All numbers used shall be Arabic numerals.

23.5: Maintenance of Numbers. Following the posting of assigned number, the owner or occupant shall maintain such house or building number contrasting to the building background and visible from a public or private street or parking lot at all times.

23.6: New Construction. Every house, building, or structure that is under new construction shall have a lot number posted during construction so that such lot number is visible from the closest public or private street or alley.

23.7: Enforcement. Any person, firm or corporation violating the provisions of this Ordinance shall be punishable by a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense.