

TOWN OF BRIDGEVILLE

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ORDINANCE NO.: 13-11

AN ORDINANCE TO CREATE A NEW CHAPTER OF THE BRIDGEVILLE CODE, REQUIRING THE MAINTENANCE AND CARE OF ABUTTING RIGHTS-OF-WAY AND CURBS, SIDEWALKS, BIKE PATHS, WALK PATHS, OR SWALES

BE IT ORDAINED by the Commissioners of Bridgeville:

Section 1. Create a new Chapter of the Bridgeville Code, entitled "Rights-of-Way Maintenance and Care", to read as follows:

Section 1. Definitions.

Any word or term not defined herein shall be used with a meaning of standard usage.

CURB – A raised line of concrete, stone, or asphalt at and/or forming the edge of the paved roadway.

SIDEWALK – A path for pedestrians constructed alongside a street or alley, constructed of concrete, stone, or brick.

BIKE PATH/WALK PATH – A paved path, normally constructed of asphalt, for bicycles/pedestrians constructed through open space or alongside a street or alley.

STREET TREE – A tree installed or maintained in the right-of-way of a street, as defined in Chapter 234 of this Code.

STRUCTURE – A sidewalk, bike path, walk path, or swale.

SWALE – A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOWN– Town of Bridgeville, Delaware.

Section 2- Maintenance and Care.

- A. Owners of real property containing or abutting a sidewalk, bike path, walk path, or swale, including those structures within the adjacent public right of way or upon the owner's property, shall conduct all general maintenance upon such facilities or structures necessary to keep them in good repair, passable, and unobstructed.

- B. Owners of real property shall not plant, disturb, trim or remove any street tree within any street right-of-way abutting his or her property without prior written approval from the Town of Bridgeville Code Enforcement Constable and/or Town Manager.
- C. No debris shall be thrown upon or deposited into the public streets, bike paths, walk paths, or into the public storm sewer system.

Section 3- Violations and Penalties.

Any homeowner who violates or permits the violations of any provision set forth in this chapter, upon conviction thereof, shall pay such fines as set out in

the Town Code, Chapter 1, General Provisions, Article II, Penalties.

Section 2. If any sentence, clause, section, or part of this Ordinance is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

Section 3. This Ordinance shall become effective upon its adoption by a majority of all members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By: Patricia M. Correll
President

Attest: Levon S. Sone
Secretary

First Reading: November 11, 2013

Second Reading: December 9, 2013

Adopted: December 9, 2013