

# **TOWN OF BRIDGEVILLE**

*If you lived here, you would be home now.*

## **ORDINANCE NO. A12-2**

### **AN ORDINANCE TO AMEND BRIDGEVILLE CODE RELATING TO VIOLATIONS AND PENALTIES**

**WHEREAS,** the Commissioners of Bridgeville have all powers granted to municipal corporations and to cities by the Constitution and general law of the State of Delaware, including the implied powers necessary to carry into execution all the powers granted; and

**WHEREAS,** the Commissioners have, from time to time, ordained penalties for violations of the various provisions of the Bridgeville Code; and

**WHEREAS,** the Commissioners are of the opinion that a consolidation of and providing for uniformity of the penalties for violations into one chapter providing for the payment of fines to the Town in lieu of court appearance, while preserving the right to administratively or judicially challenge any alleged violation is appropriate for the ease of administration and enforcement of such ordinances that may contain penalties for their violation; and

**WHEREAS,** the Commissioners of Bridgeville are of the opinion that such a consolidation is in the best interests of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF  
BRIDGEVILLE,** to read as follows:

Section 1. Amend the Bridgeville Code by repealing the following sections:

Alarms	74-4
Alcoholic Beverages	76-2
Amusement Devices	80-6
Animals	84-4
Brush, grass and weeds	90-7
Building Construction	96-8, 96-11
Burning, outdoor	106-3
Dogs	84-9 thru 84-11
Fences	132-7, 132-8
Flood Damage prevention	138-26

HD Historic District	234-40
Land Use and Development	234-98
Numbering of Buildings	65-3
Plumbing	228-10
Rental Property	180-6, 180-10, 180-13
Snow and Ice Removal	197-8
Swimming Pools	205-9
Vehicles, abandoned	220-12
Water	228-7

and substituting in lieu thereof the following:

Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions. Article II, Penalties.

Section 2. Amend Chapter 1, General Provisions of Bridgeville Code, by adding thereto the following:

## **Article 2 Penalties**

### **§ 1-11. Penalties.**

(a) Any person convicted of violating a provision of the provisions of a chapter shall be fined \$100 for the first offense and \$250 for each subsequent offense.

(b) In the event of a continuing violation of any of the provisions of a chapter of this code by any person, each day or part of a day during which any such violation continues shall constitute a separate and distinct offense under this section.

### **§ 1-12. Options to Pay Fines Directly to Town.**

Any fine associated with the violation of any section of the code of Bridgeville set out above, at the option of the person receiving a notice of violation, may be paid directly to the Town of Bridgeville, thereby avoiding the need to appear in State court.

### **§1-13. Statement Contained in Notices of violation.**

All notices of violation shall contain the following statement:

You are alleged to have violated the Code of the Town of Bridgeville or an Ordinance of the Town. It is specifically alleged that you personally or as the owner of Tax parcel Number:



Animals	84
Brush, grass and weeds	90
Building Construction	96
Burning, outdoor	106
Dogs	84
Fences	132
Flood Damage prevention	138
HD Historic District	234
Land Use and Development	234
Numbering of Buildings	65
Plumbing	228
Rental Property	180
Snow and Ice Removal	197
Swimming Pools	205
Vehicles, abandoned	220
Water	228

#### **§1-17. Citation to be Mailed.**

Any citation issued for failure to comply with this chapter shall be mailed to the owner of the property that is the subject of a citation at the owner's last known address as shown on the assessment records of the Town.

#### **§1-18. Appeals.**

The owner of a property aggrieved by any civil penalty imposed pursuant to this section may appeal to the Bridgeville Board of Adjustment. The payment of the civil penalty shall be abated until such time as a final non-appealable order of the Board is entered.

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

#### **COMMISSIONERS OF BRIDGEVILLE**

By: Patricia M. Correll  
President

ATTEST: Lauren Lane  
Secretary

Date Reading: April 9, 2012

Adopted: April 9, 2012

### Synopsis

This ordinance consolidates and makes uniform the penalty provisions for the violation of various portions of the Bridgeville Code in order to facilitate enforcement. It further provides for the payment of fines directly to the Town in lieu of court enforcement. Alleged violators are provided with administrative and judicial appeals.