

**AN ORDINANCE TO CREATE A NEW CHAPTER OF THE CODE OF  
THE TOWN OF BRIDGEVILLE AS IT RELATES TO NUISANCE  
PROPERTIES**

**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 are of the opinion that an addition to the Code as it relates to nuisance properties is necessary for the health, peace, safety and well-being of the residents of Bridgeville.

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

**Section 1.** That Ordinance 2023-06, attached hereto, is hereby adopted as an ordinance of the Town of Bridgeville.

**Section 2.** This Ordinance shall become effective upon its adoption by a majority of all Commissioners.

**COMMISSIONERS OF BRIDGEVILLE**

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

**Synopsis**

This Ordinance was added to address Nuisance issues that are becoming more of a problem within the Town of Bridgeville so the Town can take the

appropriate action when homeowners allow their real property to become a dumping site of all types of materials and personal property.

## **Chapter 92 – Nuisance Properties**

**§92-1. Nuisance defined:** “Nuisance” means anything unwholesome, dangerous, offensive or unhealthy, which constitutes a menace to the health and safety of the public, or any structure which, due to a structural defect or dilapidation, has become dangerous to life or property.

“Nuisance” includes, but is not limited to:

- a) Unsanitary disposal of trash, garbage, debris, construction wastes or compost;
  - b) Unburied dead animals;
  - c) The accumulation of water causing mosquito or other vector breeding or proliferation;
  - d) Rodent or insect infestation;
  - e) The accumulation of bees, fowl, bats, wasps or other venomous pests or animals in such a manner as to create a condition that may be injurious to the public health or safety;
  - f) Hazards, such as open excavations, open wells, pits, trees or parts thereof in danger of falling, discarded appliances, unsecured vacant structures or habitation for bats, wasps or other venomous pests;
  - g) Allowing bird infestation within a dwelling or bird roosts accompanied by droppings in such quantities that create conditions conducive to an unhealthful or disease-causing condition; and
  - h) Maintaining a property in such a manner that it creates conditions conducive to rodent harborage and is an annoyance or potential health hazard to neighbors.
1. Any accumulation of materials which, by itself or in conjunction with any other substance or substances, is deleterious to public health, safety or comfort.
  2. Any wrecked, dismantled, or inoperable vehicles as defined in Chapter 220 which, by itself or in conjunction with any other substance or substances, is deleterious to public health, safety or comfort.
  3. Any common growth of underbrush or other unattended growth in other than flowers, ornamental shrubs and bushes or trees), trash, debris, litter or rubbish capable of harboring obnoxious insects of any kind, such as ticks, mosquitoes or flies, or any vermin-carrying rodents or skunks.

4. Any damaged, discarded, abandoned or unused appliance, furniture, fixture, equipment, tires, dishes, utensils, glassware, containers, propane tanks or other similar items of personal property on any private property NOT completely enclosed within a roofed building or on any sidewalk, street or abutting such property.

**§92- \_ Applicability; entry on premises; prosecution.**

A. The provisions of this Article shall apply to any real property within the corporate limits of Bridgeville.

B. The decision of the Code Official as to whether a particular situation is a nuisance, as herein defined, shall be final, and if articles of property have been mixed with other articles not constituting a nuisance, as herein defined, the Code Official shall be entitled to treat all such mixed articles as a nuisance.

C. The Town of Bridgeville, its officers, employees, agents or contractors are hereby authorized to enter upon any real property within the Town of Bridgeville to remove such nuisance as necessary and to do any and all other matters upon such property as are reasonably necessary and proper to enforce this article.

D. The correction of any condition by the Town of Bridgeville under authority of this article shall not relieve the owner of the property on which such condition existed or arose from criminal prosecution or punishment, whether misdemeanor or municipal infraction, for having caused or allowed such unlawful condition to arise or from having failed or refused to correct the same.

**§ 92- \_ Issuance of notice; compliance required.**

Town of Bridgeville Building Official is hereby authorized to notify the owner of the property as determined by the official tax rolls of the Town of Bridgeville to remove or properly dispose of the nuisance from the subject property.

**§ 92- \_ Authority of Town to correct nuisance when owner fails to do so.**

Upon the failure, neglect, or refusal of any owner so notified to remove or properly dispose of such nuisance within 10 days after service of notice, as provided for in this article, the Town of Bridgeville Building Official is hereby authorized and empowered to cause such condition to be corrected by removing and disposing of such nuisance and is hereby authorized and empowered to pay for the disposing of

such nuisance. The owner of any property located within the corporate limits of the Town of Bridgeville having in any calendar year received notice pursuant to the provisions of this chapter shall be deemed to have received notice for the remainder of that calendar year.

**§ 92- \_ Charge for Removal; Violations and penalties.**

A. When the Town of Bridgeville has effected the removal of such nuisance by its employees or has paid for the removal of such nuisance by its agents or contractors, the actual costs thereof and any related expenses, along with an administrative fee of \$100, shall be charged to the owner of such property, and if not sooner paid, such charge will be carried on the records of the Town of Bridgeville and shall be collectible in the same manner as real estate taxes are collected.

B. When the Town of Bridgeville has, for the second time and any additional times at such property, effected the removal of such nuisance by its own employees or has paid for the removal of such nuisance by its agents or contractors, the actual costs thereof and any related expenses, along with an administrative fee of \$500, shall be charged to the owner of such property, and if not sooner paid, such charge will be carried on the records of the Town of Bridgeville and shall be collectible in the same manner as real estate taxes are collected.

C. 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.