



**ORDINANCE NO.: 2024-04**

**AN ORDINANCE TO AMEND CHAPTER 1 ARTICLE II OF THE CODE OF  
THE TOWN OF BRIDGEVILLE RELATING TO VIOLATIONS AND  
PENALTIES**

THE COMMISSIONERS OF BRIDGEVILLE HEREBY ORDAIN:

**WHEREAS**, the Commissioners of Bridgeville are authorized of the Town Charter and the Town Code to impose violations and penalties on residents of the Town of Bridgeville; and

**WHEREAS**, the Commissioners of Bridgeville wish to replace the entire Chapter 1 Article II of the code in the following manner;

Now, therefore, **BE IT ORDAINED BY THE COMMISSIONERS OF BRIDGEVILLE** to read as follows:

Section 1. Amend Chapter 1 Article II by deleting it in its entirety and replace with the following:

**Chapter 1. General Provisions**

**Article II General Penalty**

**§ 1-11 Violations and penalties.**

- A. Unless the provision in question specifically provides for other penalties, any person who violates a provision of a chapter of this Code shall be fined \$100 for the first offense and \$250 for each subsequent or continuing offense. Each day that a violation continues shall be deemed a separation violation.
- B. Option to pay fines directly to Town. Any fine associated with the violation of any section of the Code, as set forth above, may be paid directly to the Town of Bridgeville by the due date stated in the notice of violation. If fines are not paid or violations are not remedied, or both, the Town may seek enforcement in a Delaware court of competent jurisdiction.

**§ 1-12 Powers and Duties of Code Enforcements**

- A. The Code Enforcement Officer, or other authorized personnel as designated by the

Town Manager, shall enforce all the provisions of this code, except as may otherwise be specifically provided by other regulations.

- B. Notices and orders. The Code Enforcement Officer shall issue all necessary notices and orders as referenced in Section §1-13 to abate illegal or unsafe conditions to ensure compliance with requirements for the safety, health, and general welfare of the public
- C. Inspections.
  - (1) In order to safeguard the safety, health, and welfare of the public, the Code Enforcement Officer is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this chapter.
  - (2) If any owner, occupant, or other person in charge of a structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this chapter is sought, the Code Enforcement Officer may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
  - (3) Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this chapter.
- D. Credentials. The Code Enforcement Officer or authorized personnel shall disclose proper evidence of their respective office for the purpose of demonstrating authority to inspect any and all buildings and premises in the performance of duties under this chapter.

**§ 1-13 Code enforcement; general procedures.**

- A. When a Code violation is reported, the Code Enforcement Officer will investigate promptly. Complaints can be relayed by phone, e-mail, or in person at Town Hall. A record shall be kept of all complaints pursuant to the Town recordkeeping policy.
- B. If a violation exists, enforcement action will be taken. Unless otherwise provided by the Code:
  - (1) A door hanger notifying the property owner or occupant of the violation(s) is placed on the property (when a door exists), and a notice of deficiency is mailed by certified mail to the property owner of record.
  - (2) If a violation remains after the number of days indicated in the notice of deficiency for correction, a first notice of violation will be issued with the corresponding fine assessed, and sent via certified mail to the property owner of record.

(3) If a violation remains after the number of days indicated in the first notice of violation for correction, a second notice of violation will be issued with the corresponding additional fine assessed, and sent via mail to the property owner of record.

(4) If a violation remains after the number of days indicated in the second notice of violation for correction, the Town may then seek appropriate legal action in a court of law as referenced in § 1-18.

(5) In appropriate cases, duplicate notices may also be mailed or provided to residents or tenants of the property, if not owner/occupied, posted on the property, or both, as well as mailed to the owner of record.

**§ 1-14 Option to pay fines directly to Town.**

- . Amount of fine to be paid. The amount due to be paid directly to the Town shall be the minimum amount due as set forth in § 1-11A.

**§ 1-15 Records.**

The Town shall keep a complete record of all payments made to the Town in accordance with this article.

**§ 1-16 Notices to be mailed.**

- A. Any notice issued for failure to comply with the specific chapter of the Town Code shall be mailed by certified mail to the owner of record of the property that is the subject of the violation at the owner's last known address as shown on the assessment records of the Town.
- B. In appropriate cases, duplicate notices may also be mailed or provided to residents or tenants of the property, if not owner-occupied, posted on the property, or both, as well as mailed to the owner of record.

**§ 1-17 Resident/Homeowners obligations.**

In addition, any person in violation shall become liable to the Town for any expense, loss or damage suffered by the Town by reason of such violation, including, but not limited to, the Town's engineers' fees, the Town's attorneys' fees and costs of prosecution.

**§ 1-18 Other remedies.**

In addition, the Commission may direct the Town Solicitor or other attorneys to proceed at law or in equity against any person responsible for the violation for the purpose of enjoining any continued or subsequent violation.

**COMMISSIONERS OF BRIDGEVILLE**

By:

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

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

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

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

**Synopsis**

This Ordinance repeals and replaces former Chapter 1 Article II of the Town Code concerning Violations and Penalties.