

Sponsor: Kenley
First Reading: 12-7-2020
Second Reading: 1-4-2021

ORDINANCE #56-20

AN ORDINANCE REGULATING OVERGROWN GRASS AND WEEDS IN THE TOWN OF WYOMING

WHEREAS, Section 18.2 of the Charter of the Town of Wyoming authorizes the Town to “prevent, abate, and remove all nuisances, obstructions, unsanitary conditions, or any other condition detrimental to the public safety, health, and welfare . . . and to cause the cost of such abatement or removal . . . to be paid by the property owners, legal entity, or individual causing or permitting the same to exist”;

WHEREAS, the Town of Wyoming is authorized under section 27 of its Town Charter to enact ordinances related to the sanitation, beauty, health, and safety of the public; and

WHEREAS, the Town Council of the Town of Wyoming finds that overgrown grass and weeds are detrimental to the public safety, health, welfare, and sanitation because tall grass and weeds can have a blighting effect on neighborhoods and property values and can provide a refuge for vermin and insects.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #12-11 “An Ordinance Regulating Overgrown Grass and Weeds in the Town of Wyoming” be and hereby is repealed in its entirety and a new ordinance is enacted, as follows to wit:

AN ORDINANCE REGULATING OVERGROWN GRASS AND WEEDS IN THE TOWN OF WYOMING

Section 1. Purpose and Intent. The Town hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and property values and can provide a refuge for vermin and insects. The purpose of this ordinance is to protect the public health, safety, welfare, and sanitation by regulating the height to which grass and weeds are permitted to grow on properties in the Town of Wyoming.

Section 2. Definitions.

Grass or Weeds shall mean any untended or uncultivated grasses, bushes, deleterious or unhealthful vegetation, or other noxious growing matter, except for trees, ornamental shrubbery, flowers or vegetables or fruits properly tended, pastureland, woodland, or land under cultivation.

Section 3. Unlawful to allow growth above certain height. It shall be unlawful for any property owner or occupant to permit any grass or weeds to grow higher than eight (8) inches as measured from the ground on any lot or parcel of ground within the corporate limits of the town, regardless of whether improvements have been erected on the lot or parcel of ground. Yards shall be kept free from trash and debris that interfere with mowing of the area.

Section 4. Unlawful to allow growth in sidewalks, walkways, other areas. It shall be unlawful for any property owner or occupant to permit any grass or weeds to grow in any sidewalks, walkways, stairs, driveways, parking spaces and similar areas.

Section 5. Abatement of violation by town upon owner's failure; collection of costs. If the property owner or occupant of a lot permits a violation of this ordinance to occur by failing to maintain said lot or parcel in accordance with the terms of this ordinance, the town shall give written notice that the town shall proceed to abate the violation if the property owner or occupant fails to remedy the violation within five calendar days of the notice. The notice shall be posted on the property and mailed or hand delivered to the property owner and occupant. The notice shall additionally state that, for the remainder of the calendar year (January 1 through December 31), the town shall proceed, without further notice, to abate any violations each time the property is inspected and found to be in violation of this ordinance.

Section 6. Charge for mowing by town. When the town is required under this ordinance to abate violations of the ordinance or when the town is requested to mow any private property in the town, the following cost shall be assessed:

- (1) Mowing and/or weed-eating—\$150.00 per hour with a \$50.00 minimum;
- (2) Removal of trash and debris from area (if needed)—\$150.00 per hour with a \$50.00 minimum, plus landfill disposal fees
- (3) Administrative charge—\$25.00
- (4) Rental Equipment – actual cost to Town plus 15%

Section 7. Advertisement. The town shall place a copy of the text of this ordinance in the town newsletter once each calendar year at the beginning of the year. Enforcement will not begin until 15 days after publication of the ordinance.

Section 8. Civil Penalty. Any property owner or occupant of a lot violating any of the provisions of this ordinance shall be assessed a civil penalty of \$50.00. Each day that such violation is maintained shall constitute a separate offense. A civil penalty may be appealed pursuant to Section 10 herein.

Section 9. Payment of charges and penalty. The town shall bill the property owner or occupant of the lot for the charges incurred to abate the ordinance violation, plus the civil penalty provided for herein. Included with the bill shall be proof of the violation, consisting of a photograph and, when applicable, an approximate measurement of the grass or weeds in violation of this ordinance, and notice of the right to appeal the Code Enforcement Official's decision. If not paid when due, the abatement costs and the civil penalty will be added to the annual tax bill for the property pursuant to 25 Del. C. § 2901(a)(1)(i) & (k) and as such shall constitute a lien upon the property and may be collected in the same manner as the real estate taxes.

Section 10. Appeals. Any property owner or occupant may appeal the decision of the Code Enforcement Officer that the property was in violation of this ordinance and/or the imposition of civil penalties by submitting such appeal, in writing, to the Town Council within 10 business

days of the date of the bill issued pursuant to Section 9. At the next regularly scheduled Council Meeting, the property owner or occupant shall be given the chance to present his/her appeal to the Town Council, after which the Town Council shall issue a decision on the appeal.

Synopsis

This ordinance prohibits property owners or occupants of a lot from allowing grass or weeds to grow to height in excess of eight inches. This ordinance also prohibits individuals from allowing grass, weeds, and vegetation from growing in spaces or cracks in sidewalks, driveways, and other similar areas. The town must provide 5 days' notice prior to taking action to abate a violation, and only one notice is required annually. This ordinance must be published annually in a newspaper in the town, and this ordinance outlines the penalties for violations and the charges for abatement actions taken by the town and allows unpaid civil penalties and fees to be added to the annual tax bills. The ordinance establishes the fees charged by the town to remediate violations of the ordinance. Appeals procedures are outlined in this ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on January 4, 2021.

Attest: Audrey Lindale
Town Clerk

So Certifies:
Stu Bill
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on January 5, 2021.

1/5/21
Date

So Certifies:
Rosemary Laman