

Building and Property Maintenance

§ 91- Maintenance required.

All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and nonhazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained, so as to prevent deterioration. The appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and with all applicable ordinances of the Town of Henlopen Acres. Any properties not meeting the standards of this chapter shall constitute nuisance and a violation of this chapter.

§ 91- Maintenance standards.

- A. Maintenance of structures. Each property owner shall keep all exterior components of every structure in good repair, including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, exterior stairs, windows, shutters, doors and awnings.
- (1) All surfaces shall be covered with a protective coating, such as paint, plastic or other material which preserves the structure and does not contribute to deterioration.
 - (2) All surfaces shall be maintained free of deterioration, including but not limited to broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.
 - (3) Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
 - (4) Chimneys, towers, exhausts. All chimneys, towers, exhausts, vents and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
 - (5) All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
 - (6) All paved driveways and walks which exist within the public right-of-way shall be maintained in safe condition.
 - (7) All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration.
 - (8) All yards, courts or lots shall be kept free of accumulation of trash, garbage waste, rubbish, refuse, junk, and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects. Storage of miscellaneous items must be within enclosed structures or screened.

§ 91- Notification of violation; time allowed to abate.

- A. Whenever a Town Manager, Zoning Officer or Town Official is aware of the existence of a nuisance, as herein enumerated, it shall be his or her duty to mail or serve a written notice on or to the property owner of record and occupant of the property upon which such nuisance exists, to remove and abate such nuisance within a period of 14 days. Such notice shall advise the recipient that such recipient may, in writing, request a hearing before the Mayor and Town Manager concerning whether or not a violation exists, provided that such written request shall be mailed or delivered to the Town office prior to the expiration of the 14 days specified herein.
- B. If any official of the Town named in Subsection A shall be unable to serve notice personally upon such property owner, owner's agent and occupant, the notice may be given by posting the same in some conspicuous place on the property.
- C. Any person so notified who shall fail, neglect or refuse to remove or abate such nuisance within the time specified shall, upon conviction, shall be guilty of a violation of this Chapter.

§ 91- Hearing and determination by Town Manager.

After the receipt of the copy of the notice required by § 91- above and the affidavit of the official serving of such, the Mayor and Town Manager shall conduct a hearing, if requested by the property owner, owner's agent or occupant of the property in question, not later than 10 days after the request therefore is made, provided that for good cause the enforcement officer may postpone such hearing for a reasonable time. If, after a hearing, the Mayor and Town Manager find that no violation exists, he shall withdraw the notice. If the violation is substantiated, the property owner shall proceed immediately with the removal of the nuisance(s).

§ 91 – Violations and penalties.

Any violation of any provision of this chapter is declared to be a civil offense and is subject to the voluntary assessment and other procedures described in Chapter [55](#) of this Code. Any property owner violating any provision of this chapter shall pay a civil assessment of \$100 per day and shall also pay the Town's court costs and expenses, including its attorneys' fees. A separate violation shall be deemed committed each day during or on which a violation occurs or continues.