

Introduced by: Mr. Cartier
Date of introduction: 6/28/11

ORDINANCE NO. 11-073

TO REVISE CHAPTER 7 OF THE *NEW CASTLE COUNTY CODE* (ALSO KNOWN AS THE “PROPERTY MAINTENANCE CODE”) REGARDING INSTANT TICKETING

WHEREAS, New Castle County adopted a new Property Maintenance Code, which became effective on June 7, 2005; and

WHEREAS, in July of 2008, New Castle County adopted Substitute No. 1 to Ordinance No. 08-073, which amended the Property Maintenance Code to authorize the use of instant ticketing as a method of administrative enforcement; and

WHEREAS, Arden, Ardencroft and Ardentown are incorporated areas that have opted to receive County Code Enforcement services, and parking on the grass and tree debris are customarily found within The Ardens; and

WHEREAS, the leaseholders in all three unincorporated municipalities voted to support changes to the Property Maintenance Code that would make it legal in The Ardens to park vehicles on a non-hardened surface and to have broken tree limbs on residential properties, and those changes are required to preserve the character of these historic villages; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to legitimate government interests including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Section 7.01.002 (Amendments to the International Property Maintenance Code”), Chapter 3 (“General Requirements”) is hereby amended by the addition of the underlined text as set forth below:

CHAPTER 3. GENERAL REQUIREMENTS

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SECTION 302. EXTERIOR PROPERTY AREAS

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Section PM 302.8.5.3 Less than two (2) Acres . . .

Section PM 302.8.6, Parking of vehicles, in any residential zoning district, the parking or storage of any vehicle, recreational vehicle, or off-highway vehicle is prohibited, unless it is parked or stored on a hardened surface constructed of material treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The surface must completely extend the entire length of the vehicle. This subsection is subject to the following exceptions:

Section PM 302.8.6.1, When such vehicles are parked . . .

Section PM 302.8.6.2, Construction vehicles, provided they are . . .

Section PM 302.8.6.3, the provisions of Section PM 302.8.6 do not apply to Arden, Ardentown and Ardencroft.

Section PM 302.9, Graffiti, The exterior of all structures . . .
...

Section PM 302.10, Outside storage of household items . . .

Section PM 302.11, Outside storage or accumulation of debris, Except during active construction the outside storage or accumulation of debris, including but not limited to, garbage, trash, rubbish, refuse, rock, rubble, broken concrete, piping and other building materials, wood (excluding stacked firewood), tires or automotive parts (irrespective of age or condition), is prohibited in any residential zoning district.

Section PM 302.11.1, Exception, fallen tree limbs and branches shall not be considered debris in Arden, Ardentown and Ardencroft.

Section PM 302.12, Responsibility to keep shrubs and trees trimmed . . .
...

Section 2. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this ordinance.

Section 3. Continuation of existing ordinances and resolutions. The sections appearing in this ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 4. Severability. It is hereby declared to be the intention of the County Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance. If any provision of this ordinance

is found to be unconstitutional or void, the applicable former ordinance provisions shall become effective and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 5. Other laws. The provisions of this Chapter shall not be deemed to nullify any provisions of local, state, or federal law.

Section 6. Effective Date. This ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 *Del. C.* §1156.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive
New Castle County

President of County Council

SYNOPSIS: This ordinance amends the Chapter 7 Property Maintenance Code to clarify that, within the three Ardens (Arden, Ardentown and Ardencroft), vehicles may be parked on non-hardened surfaces and fallen tree branches and limbs shall not be ticketable as debris.

FISCAL NOTE: There will be a minimal fiscal impact upon the adoption of this legislation.