

ORDINANCE NO. 382

AN ORDINANCE TO AMEND THE OCEAN VIEW CODE, CHAPTER 169, PROPERTY MAINTENANCE, ARTICLE I, GRASSES, WEEDS AND OTHER VEGETATIVE GROWTH, REGARDING TREES, SHRUBS, AND OTHER VEGETATIVE GROWTH WITHIN THE TOWN'S EASEMENTS OR RIGHTS OF WAY.

WHEREAS, the Town Council of Ocean View is empowered by the Town Charter, at Section 2.313, to remove all nuisances and obstructions from streets, lanes, alleys, and adjoining lots, or other places within the Town limits. and to abate by appropriate ordinance all nuisances in the Town which are so defined by common law, this Charter or by the laws of the State of Delaware, whether or not they are specifically listed in this Charter; and

WHEREAS, the Town Council is of the opinion that trees, shrubs, and other vegetation may interfere with vehicular or pedestrian traffic, in or on its streets, alleys, avenues, lanes, and public grounds, or otherwise may be injurious to stormwater drainage systems, sewers, electric power lines, gas lines, waterlines, or other public improvements, or may be infected with any injurious fungus, insect or other pest or to the health or safety of other persons; and

WHEREAS, the Town Council desires to protect and preserve town property and promote the health and safety of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW:

Section 1. Amend Chapter 169, of the Ocean View Code, entitled Property Maintenance, Article I, Grasses, Weeds, and other Vegetative Growth, by repealing the stricken through text and in lieu thereof adopting the underlined text, as follows:

Article I Trees, Grasses, Weeds and Other Vegetative Growth

§ 169-1 Prohibited growths and accumulations.

A. No person, being the owner, or possessor or occupier of land or improved premises, shall permit upon such land or improved premises or any sidewalk or any area between the property line and the roadway abutting such land any unregulated growth of any grass, weeds or other vegetation to grow in excess of eight inches high.

B. No person, being the owner or possessor of land or improved premises, shall permit any trees, plants, shrubs, grasses, weeds or other vegetation to grow upon such land or improved premises or any sidewalk or any area between the property line and the roadway so as to create a nuisance detrimental to adjoining property, interfere with vehicular or pedestrian traffic, in or on its streets, alleys, avenues, lanes, and public grounds, or within the Town's easements or rights of way that may be injurious to stormwater management and drainage systems, sewers, electric power lines, gas lines, waterlines, or other public improvements, or may be infected with any injurious fungus, insect or other pest or to the health or safety of other persons.

~~C. For purposes of this section, "weeds" and "vegetation" do not include ornamental shrubs, trees, grasses, and field crops. (Refer to Chapter 140, Land Use and Development, for retention of existing vegetated areas in commercial areas.)~~

§ 169-2. Notice to remove; removal by Town.

A. If, within 10 days after due notice by the Town of Ocean View to the owner or possessor of land or improved premises, weeds, grasses, or other vegetation in violation of this chapter are not removed, the Town of Ocean View may cause such weeds, grasses, or other vegetation to be removed.


B. The owner or occupant of land or improved premises, having in any calendar year received notice pursuant to the provisions of § 169-2A, shall be deemed to have received notice for the remainder of the year; thereafter, the Town may, without further notice, cut, destroy and remove all unregulated growth lying or located on such owner's or possessor's property or upon the sidewalk or any area between the property line and

the roadway abutting the same, and the cost of such removal shall be charged as outlined in Chapter 3, Fees, and collected in accordance with the provisions of this chapter.

C. The Town Manager may remove or cause or order to be removed without notice, any tree, plant or shrub, or other vegetative growth or part thereof within the Town's easements or rights of way which is in an unsafe condition or which by reason of its nature interferers with vehicular or pedestrian traffic, is injurious to stormwater management and drainage systems, sewers, electric power lines, gas lines, waterlines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

Section 2. This ordinance shall become effective upon its adoption by a majority of all members elected to the Town Council.

TOWN OF OCEAN VIEW

By: 
Mayor

Attest: 
Town Clerk

First Reading: 10.12.2021

Second Reading: 11.9.2021

Adopted: 11.9.2021