

Introduced by: Mr. Tackett
Ms. Kilpatrick
Date of introduction: November 20, 2018

**SUBSTITUTE NO. 1
TO
ORDINANCE NO. 18-123**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7 (“PROPERTY
MAINTENANCE CODE”), ARTICLE 1 (“STANDARDS FOR PROPERTY
MAINTENANCE”), TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL
PROPERTY MAINTENANCE CODE, AND AMENDMENTS THERETO**

WHEREAS, New Castle County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, the Department of Land Use administers and enforces regulations pertaining to the condition and maintenance of property, structures and buildings to eliminate or prevent unsafe, unhealthy, unsanitary or substandard living conditions; and

WHEREAS, New Castle County Council adopted a *Property Maintenance Code*, effective June 7, 2005; and

WHEREAS, it has been determined that New Castle County would benefit from adopting the 2018 edition of International Code Council’s *International Property Maintenance Code*; and

WHEREAS, New Castle County has identified additional changes to the international code necessary to administer and enforce the property maintenance regulations in New Castle County; and

WHEREAS, through the adoption of this Ordinance, the New Castle County Executive and County Council intend to (1) update Chapter 7 of the *New Castle County Code*, consistent with the *International Property Maintenance Code, 2018 edition*, as may be amended herein, and (2) update, clarify, and strengthen the administrative provisions of Chapter 7 of the *New Castle County Code*; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally 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”), Article 1 (“Standards for Property Maintenance”), Section 7.01.001 (“Adoption of the International Property Maintenance Code”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 7.01.001. Adoption of the International Property Maintenance Code.

The International Property Maintenance Code, [2003] 2018 edition, published by the International Code Council, Inc., is hereby adopted as the New Castle County Property Maintenance Code, for the control of properties, buildings and structures as herein provided. All the sections, conditions, and terms of the International Property Maintenance Code, [2003] 2018 edition, are hereby referred to, adopted and made a part of this Chapter as if full set out herein, with the additions, insertions, deletions, and any changes, if any, prescribed in Section 7.01.002.

Section 2. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 7.01.002. Amendments to the International Property Maintenance Code.

Certain sections and subsections of the International Property Maintenance Code, [2003] 2018 edition, adopted in Section 7.01.001, are hereby added, deleted, amended, changed and clarified as follows. Note: Although the International Property Maintenance Code, [2003] 2018 edition, does not identify sections with a “PM” designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

Section 3. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 101 (“General), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 101. GENERAL

Section PM 101.1, Title . . .

Section PM 101.1.1, Jurisdiction. This Chapter shall regulate all housing and property maintenance on ~~[any property]~~ properties located in unincorporated New Castle County and in any of the incorporated municipalities that elect to have New Castle County provide code enforcement services. ~~[except in the incorporated areas of Wilmington, Middletown, Newark, New Castle City, Elsmere, Townsend and Newport where this Code shall apply only upon official request from the municipality.]~~

~~[Section PM 101.2, Scope. The provisions of this Chapter shall apply to all existing residential and nonresidential structures and all existing premises, excluding state right of way, and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibilities of owners, owners and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.]~~

~~Section PM 101.3, Purpose. This Chapter shall be liberally construed to promote and safeguard the health, safety and welfare of the public by establishing the minimum requirements and standards for all properties, buildings and structures within the jurisdiction of New Castle County Government.]~~

Section PM 101.4, Severability . . .

Section 4. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 102 (“Applicability”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 102. APPLICABILITY

Section PM 102.3, Application of other Codes . . .

~~[Section PM 102.4, Existing remedies, is amended by deleting the subsection in its entirety and substituting the following:]~~

~~[Section PM 102.4, Existing remedies. The provisions of this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any dangerous, unsafe and unsanitary condition.]~~

Section PM 102.6, Historic buildings . . .

Section PM 102.7, Referenced codes and standards . . .

~~[Section PM 102.[9]11, Savings Clause, is added as a new subsection to read as follows:]~~

Section PM 102.[9]11, Savings Clause . . .

Section 5. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 104 (“Duties and Powers of the Code Official”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 104. DUTIES AND POWERS OF THE CODE OFFICIAL

~~[Section PM 104.1.1, No conflicts of interest. No County employee who has an official duty in connection with the administration and/or enforcement of this Chapter shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, or in making plans or specifications therefore, unless he or she is the owner of the building. No such employee shall engage in activity which is inconsistent with the public interest and his or her official duties.]~~

~~[Section PM 104.2, Rule-making authority. The Code Official shall have the authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climate or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements, or of violating acceptable engineering methods involving public safety.]~~

~~Section PM 104.3, Inspections. The Code Official shall make all of the required inspections, or shall accept inspection reports by an approved agency or individual(s). All reports of such inspections shall be in writing and be certified by a responsible officer or such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary. All costs incurred for said expert opinions may be assessed to the responsible party.]~~

~~Section PM 104.4, Right of entry. The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.~~

~~[Section PM 104.7, Department records. The Code Official shall retain all investigatory files pertaining to current investigations and/or court proceedings. The files and/or its contents shall be kept and made available in accordance with Delaware's Freedom of Information Act ("FOIA").]~~

~~[Section PM 104.[9]Z, Liability, is added as a new subsection to read as follows:]~~

~~Section PM 104.[9]Z, Liability . . .~~

Section 6. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards for Property Maintenance"), Section 7.01.002 ("Amendments to the International Property Code"), Chapter 1 ("Administration"), Section PM 105 ("Approval"), is hereby amended by deleting this section in its entirety.

~~[SECTION PM 105. APPROVAL~~

~~Section 105.1. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Code Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the Code Official shall first find that special individual reason makes the strict letter of this Chapter~~

~~impractical, the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.]~~

~~Section PM 105.1.1, Fees. A fee as set forth in the Appendix to this Chapter shall be charged for each request for code modification.]~~

Section 7. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Code”), Chapter 1 (“Administration”), Section PM 106 (“Violations”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 106. VIOLATIONS

Section PM 106.1, Violations; generally. . . .

Section PM 106.3.1, Administrative enforcement . . .

Section PM 106.3.1.1, Notice to owner or person responsible. Whenever the Code Official determines that there has been a violation of this Chapter or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or persons responsible for the property. The person(s) noticed shall be responsible for correcting such violation(s).

Section PM 106.3.1.1.1, Form

Section PM 106.3.1.1.3, Exceptions. In no case shall the Code Official be required by Section PM 106.3.1.1 to provide a violation notice to:

- a. Any owner or person previously . . .
- b. In the event that a violation exists . . .

Section PM 106.3.1.1.4, Reinspection Fee. Any property owner who fails to correct a non-ticketable infraction by the date set in the notice of violation, shall be subject to a reinspection fee as established in the Schedule of Code Enforcement Fees at the end of this Chapter.

Section PM 106.3.1.2, Ticketing. Pursuant to ~~[Title 9, Chapter 29]~~ 9 Del. C. Ch. 29 (“Property Maintenance”), and ~~[Title 25, Chapter 29]~~ 25 Del. C. Ch. 29 . (“Liens of the State and/or its Political Subdivisions”), ~~[of the Delaware Code,]~~ the Code Official shall have the authority to issue ticket(s) to the owner of a property, regardless of whether the owner actually resides upon the property, including any vacant lots, for violations of PM 302.1, Sanitation; Section PM 302.4, Prohibited growth of grass and weeds; PM 302.7, Accessory Structures; PM 302.8.3, Inoperable or ~~[U]nregistered~~ [V]ehicles; PM 302.8.4, Oversized vehicle parking; PM 302.8.6, Parking of [V]ehicles; PM 302.10, Outside storage of household items; PM 302.11, Outside storage of debris; PM 302.12, Responsibility to keep shrubs and trees trimmed; PM 302.16, Portable

temporary storage units; PM 303.1, Swimming pools; PM 307.1, Accumulation; and PM 307.2, Disposal of rubbish.

Section PM 106.3.1.2.1, Procedure. Whenever the Office of Code Enforcement receives a complaint that there has been a violation(s) of the above-referenced sections, a notice of alleged violation(s) shall be given to the owner of the property. The owner shall be responsible for correcting such violation(s) within ten (10) calendar days. If the Code Official determines that the violation(s) remains after the tenth (10th) calendar day, the owner of the property on which such non-compliance exists shall be subject to, and liable for, a civil penalty in the amount of fifty dollars (\$50.00). If a ticketed violation is not corrected after issuance of a first ticket, then the owner of the property will be subject to, and liable for, additional civil penalties in the amounts of seventy-five dollars (\$75.00) for a second ticket for the same infraction issued within one year of the date of the notice of violation, and one hundred dollars (\$100.00) for subsequent tickets issued for the same infraction within one year of the date of the notice of violation. ~~[This]~~ C[ivil] penalt[y]ies shall double if not paid within thirty (30) calendar days from the date of the citation. In no case shall the Code Official be required by this Section to provide notice within a twelve (12) month period to any owner previously provided notice pursuant to this Section where the same Code violation exists.

Section PM 106.3.1.2.5, Exception . . .

Section PM 106.3.1.3, ~~[Pre-deprivation]~~ [s]Show Cause or pre-deprivation hearing. Except as provided in Section PM 106.3.1.2.1 and Section PM 109.6, if such violations are not remedied within the time specified, the Code Official shall schedule a Show Cause or pre-deprivation hearing and provide the person an opportunity to defend his, her, or its conduct ~~[at a Show Cause Hearing]~~ prior to any penalty being imposed. After such Show Cause or pre-deprivation hearing, the Code Official shall render a decision within twenty (20) days and send a written letter to the person informing them of his or her decision and detailing the reasons for any adverse action taken. Any decision made by the Code Official is appealable pursuant to Section PM 106.3.1.5. If the Code Official determines that the owner or person responsible for the property, building, structure, premises or equipment is in violation of this Code, the owner or person responsible shall be subject to a Show Cause or pre-deprivation hearing fee as set forth in the Appendix to this Chapter.

Section PM 106.3.1.4, Costs . . .

Section PM 106.3.1.5, Administrative penalty provisions . . .

Section PM 106.3.1.5.1, Administrative fines. Notwithstanding any other section of this Code, any person who is found during a Show Cause or pre-deprivation hearing to have violated any provision of this Code or directive of the Code Official, may be subject to the penalties specified in Section PM 106.3.2.3, as if that person were convicted in a court of law, for each day that the violation continues in addition to any expense incurred by the County for the removal or abatement of the violation. Administrative fines imposed pursuant to this section shall be a lien on the parcel of real property that the expense is incurred upon or which is the subject of the violation. Upon certification of the lien by the Department of Land Use, the amount of such lien

shall be recorded and collected in the same manner as other county real estate taxes, and paid to New Castle County, when collected. 9 *Del. C.* § 2907 et seq. (Abatement; creation of tax lien).

Section PM 106.3.1.5.2, Institution of remedial action . . .

Section PM 106.3.1.5.[2]3, Voluntary assessment . . .

Section PM 106.3.1.6, Administrative appeal . . .

Section PM 106.3.1.6.2, Time . . .

Section PM. 106.3.1.6.3, ~~[On record, Appeals shall be heard based solely upon the materials (e.g. plans, documents, reports, studies, drawings, and testimony) available to the official or body rendering the initial decision. Appeals shall not be used to consider new or additional information. Information submitted but not discussed in rendering a decision shall be considered part of the original record and may be considered on appeal. Testimony may be given based upon the materials submitted to the decision maker.]~~ Standard of review. On appeal, the Board shall hear any evidence which the aggrieved party or the County may desire to offer.

Section PM 106.3.1.6.4, Written decision . . .

Section PM 106.3.1.6.5, Actions that can be taken. The Board of License Inspection and Review may affirm, modify, reverse, vacate, or revoke the action appealed, provided that such action shall be affirmed by the Board if it was ~~[not arbitrary or capricious, or was not taken pursuant to law]~~ neither arbitrary and capricious nor contrary to law.

Section PM 106.3.1.6.6, Stay . . .

Section PM 106.[4]5, Abatement of violation . . .

Section PM 106.[4]5.1, Reimbursement . . .

Section PM 106.[5]6, Extensions . . .

Section 8. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 108 (“Unsafe structures and equipment”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

**SECTION PM 108. UNSAFE STRUCTURES AND EQUIPMENT; UNFIT STRUCTURES;
UNLAWFUL STRUCTURES**

Section PM. 108.1, General . . .

Section PM 108.1.4, Unlawful Structure . . .

~~[Section PM 108.3. Notice, is amended by deleting the subsection in its entirety and substituting the following:]~~

Section PM 108.3. Notice. When a structure or equipment is found by the Code Official to be unsafe, unfit, unlawful, or condemned, notice shall be posted in a conspicuous place in or about the structure, premises or equipment affected by such notice, ~~[and]~~ or served on the owner, owner's authorized agent, or the person responsible in accordance with Section PM 107.3. If the notice pertains to equipment, it also shall be placed on the equipment. All notices shall be in the form prescribed by Section PM 107.2.

~~[Section PM 108.4. Placarding, is amended by deleting the subsection in its entirety and substituting the following:]~~

Section PM 108.4. Placarding. Upon failure of the owner, owner's authorized agent, or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises, structure or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premise, structure, operating the equipment or removing the placard. If the structure, equipment or premises fall under any of the provisions of Section PM 109.1, then the Code Official shall immediately placard the structure, equipment or premises.

~~[Section PM 108.5. Prohibited occupancy, is amended by deleting the subsection in its entirety and substituting the following:]~~

Section PM 108.5. Prohibited occupancy. Any occupied structure condemned and placarded shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner, owner's authorized agent, or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this Chapter. No structure or a premise which has been declared as unsafe, unlawful, or unfit shall be occupied until the defects have been eliminated, written approval of the Code Official is obtained, and the placard is removed by the Code Official.

~~[Section PM 108.6. Abatement, is amended by deleting the subsection in its entirety and substituting the following:]~~

Section PM 108.6. Abatement. In addition to any other remedy, upon failure of the owner, owner's authorized agent, or person responsible to comply with the notice of violation within the time given, the Code Official is authorized to eliminate any unsafe or unfit condition or demolish any unsafe or unfit structure in accordance with Section PM 110, through any available public agency or by contract or arrangement with private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall constitute a lien upon such real estate and may be collected by any other legal resource.

Section PM 108.8. Restricted Entry. Property owners, their representatives and contractors may enter a placarded property that has been declared as unsafe, unlawful, or unfit, from 7am – 7pm.

solely to eliminate defects to make the premises habitable. Entry onto the property outside of 7am – 7pm must be approved in advance in writing by the Code Official.

Section 9. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 109 (“Emergency Measures”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 109. EMERGENCY MEASURES

Section PM 109.1, Imminent danger . . .

Section PM 109.6. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Code Official, be afforded a hearing as described in this Chapter.

Section 10. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 110 (“Demolition”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 110. DEMOLITION

~~*[Section PM 110.3. Failure to comply, is amended by deleting the subsection in its entirety and substituting the following:]*~~

Section PM 110.3. Failure to comply. If the owner, owner’s authorized agent, or person responsible for a premises fails to comply with a demolition order within the time prescribed, the Code Official may cause the structure to be demolished or removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located, shall be a lien upon such real estate and may be collected by any legal recourse.

Section 11. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 1 (“Administration”), Section PM 111 (“Structures or Premises”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 111. STRUCTURES OR PREMISES

Section PM 111.1. General . . .

Section PM 111.1.6, Removing . . .

Section PM 111.1.7, Maintaining all exterior surfaces including wood composition, cinderblock, or metal, in a weatherproof condition and surface coated to match the structure's exterior façade. When securing a vacant structure, materials used to secure a structure shall be surface coated to match the façade of the structure; and

Section PM 111.1.8, Maintaining every . . .

Section 12. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards for Property Maintenance"), Section 7.01.002 ("Amendments to the International Property Maintenance Code"), Chapter 1 ("Administration"), Section PM 112 ("Stop Work Order") is hereby amended by adding the material that is underscored as set forth below:

SECTION PM 112. STOP WORK ORDER

Section PM 112.4, Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable under the allowable enforcement actions of Section PM 106.3.

Section 13. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards for Property Maintenance"), Section 7.01.002 ("Amendments to the International Property Maintenance Code"), Chapter 2 ("Definitions"), Section PM 201 ("General"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 201. GENERAL

Section PM. 201.3, Terms defined in other codes. Where terms are not defined in this Chapter and are defined in the International Building Code, International Fire Code, Chapter 40 of the *New Castle County Code*, International Plumbing Code, International Mechanical Code, International Existing Building Code or other ICC Electrical Code, such terms shall have the meanings ascribed to them as in those Codes.

Section 14. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards for Property Maintenance"), Section 7.01.002 ("Amendments to the International Property Maintenance Code"), Chapter 2 ("Definitions"), Section PM 202 ("Definitions") is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 202. DEFINITIONS

Debris, ~~[The scattered remains of something broken or destroyed]~~ means material which is stored externally and exposed to the elements or partially covered with tarps or plastic. This definition includes, but is not limited to, the following: indoor furniture, discarded household goods or appliances and appliance parts, inoperative or discarded machinery, automobiles,

automobile parts, airplane and helicopter parts, refuse, rubbish, trash or junk, broken concrete, bricks, blocks or other mineral matter, bottles, scrap or discarded lumber, pipe, steel, paper, cardboard, insulation or other building materials.

Demolish or demolition . . .

Domestic animal means a dog, cat, or other animal, the keeping of which is not otherwise prohibited, that has been raised or maintained in confinement or otherwise domesticated as to live in a tame condition.

Dumpster . . .

~~[Garbage means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.]~~

Grass . . .

Self-contained portable toilets means one or more commercially-manufactured or assembled self-contained toilet facility that is portable and is not designed or intended for connection to a sewer system with a standard connection. Portable toilets shall include, but not be limited to, water flush toilets or chemical toilets that have water tight, impervious pails or tanks containing a chemical solution placed immediately beneath the seat or urinal and a pipe or conduit connecting the riser with the tank.

Storage . . .

~~[Suitable Screening. A suitable screening shall consist of evergreen trees or shrubs, planted between the vehicle and the property line at a minimum of four (4) feet in height (and permitted to grow to a minimum of eight (8) feet in height) and planted in such fashion that view is obstructed from adjoining areas.]~~

Wooded means that portion of a parcel that is densely covered with growing trees, including but not limited to, a mature or young forest or critical natural area.

Workmanlike . . .

~~[Yard. An open space on the same lot with a structure extending along the entire length of a street, or rear or interior lot line.]~~

Section 15. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 3 (“General Requirements”), Section PM 302 (“Exterior Property Areas”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 302. EXTERIOR PROPERTY AREAS

Section PM 302.1. Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition, free from the accumulation of any feces. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. The storage and use of horse manure shall be exempt from this provision. . . .

Section PM 302.4. Prohibited growth of weeds and grass.

Section PM 302.4.1. Undeveloped parcels . . .

Section PM 302.4.2. Developed parcels . . .

Section PM. 302.4.3. Exception, Weeds do not include: (a) ornamental shrubs and trees, ~~{or}~~ (b) a wildflower meadow maintained and located no less than ten (10) feet from any property line, and (c) bamboo from the genera *Phyllostachys*, *Pseudosasa*, and *Bambusa*.

Section PM 302.4.4. Application of section to multiple adjacent undeveloped parcels . . .

Section PM 302.4.5. Annual mowing required . . .

Section PM 302.4.6. Application to agricultural parcels. This Section shall not apply to any parcel that is a farm or property used exclusively for agricultural purposes. ~~[or portion thereof on which agricultural crops are being grown.]~~

Section PM 302.4.7. Natural Resource Area Plan. This Section shall not apply to any parcel or portion thereof to the extent that it conflicts with a County or ~~{DNREC}~~ State approved plan, including, but not limited to, a landscape plan, record plan, reforestation plan or natural resource area ~~{or}~~ management plan.

Section PM 302.4.8. Ornamental shrubs and trees shall be maintained in good order and condition

Section PM 302.4.8.1. Trees. Outside of wooded areas, all trees shall be free from dead limbs or branches and dead trees shall be removed.

Section PM 302.4.8.2. Shrubbery. All shrubbery shall be maintained so as not to encroach upon or extend beyond the line of any walkway or driveway. All shrubbery shall be trimmed from blocking any doors or hatchways.

Section PM 302.8.4. Oversized vehicle parking . . .

Section PM 302.8.4.1. When such vehicle is on property . . .

Section PM 302.8.4.2. One oversized vehicle may be parked on a residential lot two (2) acres or larger when [a 0.5 opacity buffer (as defined by Chapter 40 of the New Castle County Code) is established along the property line(s) adjacent to the vehicle] completely screened from view of other residentially zoned properties and all streets by a fence, dwelling and/or buffer.

Section PM 302.8.4.3. Up to two (2) oversized vehicles may be parked on a residential lot one (1) acre or larger in size, if the property has direct access to a collector or arterial street, ~~[the vehicle(s) are parked on a hardened surface constructed of material treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock,]~~ and the vehicles are completely screened from view of other residentially zoned properties and all streets by a fence, dwelling and/or vegetative buffer.

Section PM 302.8.5. Recreational vehicle ~~[parking. Subject to the following exceptions, it],~~ It shall be unlawful to [park or store a] connect a recreational vehicle [in any residential zoning district, in] to any [street, roadway, or] public [right of way, or in any street yard including within a driveway. utilities which supply electric, water or gas and reside in such vehicle while on the property; subject to PM 302.15.4]8.5.1.

PM 302.8.5.1. Temporary Permit. A person visiting a lot owner or occupant may park his or her recreational vehicle on the ~~[roadway adjacent to such]~~ driveway or approved hardened and treated surface of the lot [temporarily] for a period not to exceed fourteen (14) days, provided a temporary permit from the New Castle County ~~[Police]~~ Department of Land Use is obtained. The temporary permit shall designate the individual to whom the permit is issued, the recreational vehicle to be parked, and the expiration date of the permit. ~~[New Castle County Police Department shall charge a fee to defray the cost of administering this section. The temporary permit must be displayed on the rearview mirror of the recreational vehicle during the entire period of time it is parked on the roadway.]~~

~~[PM 302.8.5.2. Two (2) or more acres, One (1) recreation vehicle may be parked on a residential lot two (2) acres or larger when 0.5 opacity buffer (as defined by Chapter 40 of the New Castle County Code) is established along all property line(s) adjacent to the vehicle.]~~

~~[PM 302.8.5.3. Less than two (2) Acres, On lots less than two (2) acres in size, one (1) recreational vehicle (or properly stored boat) may be parked in the rear yard or side yard (behind the front setback line) of a residential lot provided that (a) it is stored parallel to and adjacent to the house or a permanent accessory structure; and (b) a suitable evergreen screen is placed around all sides of the vehicle with the exception of the side used for ingress/egress.]~~

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 and width 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 . . .

Section PM 302.8.7. Construction Equipment shall not be parked or stored in residentially zoned areas, or on residential property in other zones, or on sites that have not been permitted

or approved for such use. Construction equipment shall include, but is not limited to, cranes, backhoes, trackhoes, bulldozers, skid steers, fork lifts, tractors, excavators, graders, loaders, trenchers, scrapers, dump trucks, pavers, rollers, compactors, portable cement mixers, wheeled generators, chippers.

Section PM 302.8.8. Airplanes and helicopters, and parts of airplanes and helicopters, shall not be parked or stored on residentially zoned parcels or on properties being used for a residential use in other zones.

Section PM 302.9. Graffiti. The exterior of all structures, rocks, vehicles, boats and trees shall be maintained free from graffiti. Graffiti means, without limitation, any letter, word, name, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is illicitly drawn, painted, chiseled, scratched or etched ~~[on any structure]~~. Structure shall include, but not be limited to, any wall, bridge, fence, gate, or building. This definition shall not include artistic stenciling or legal signage placed on a property with the permission of the owner of the property, or government sponsored murals.

Section PM 302.9.1. Display and Storage of and Signage . . .

Section PM 302.10, *Outside storage of household items*, The outside storage of items designed and manufactured to be used and stored in an enclosed building is prohibited in any residential zoning district. Such items include, but are not limited to, the following: appliances or interior furniture, housewares, exercise equipment, plumbing fixtures, irrespective of age or condition.

Section PM 302.11. Outside storage of debris . . .

Section PM 302.11.1. Forest Stewardship Policy for fallen trees and branches . . .

~~[Section PM 302.12. Responsibility to keep shrubs and trees trimmed. In any residential zoning district, it shall be the duty of the owner or person responsible of a property to keep shrubbery trimmed so that it does not encroach upon or extend beyond the line of any sidewalk and to trim trees so that no branch extends below a height of seven (7) feet above the width of any sidewalk.]~~

Section PM 302.13. Dog or cat excrement . . .

Section PM 302.14. Prohibited animals in certain residential areas. It shall be unlawful for any owner, tenant or other person in control of a property to raise, breed, keep, feed, shelter or harbor a horse, cattle, sheep, goats, pigs, ducks, geese, waterfowl, guinea hens, chickens, turkeys, donkeys, quail, doves, llamas, raccoons, muskrats, non- domesticated mammals, game fowl, pigeons, pheasants, peacocks, foxes, minks, exotic animals, wild animals, game animals and other like animals on a parcel of land which is less than one (1) acres in total area and located in any residentially zoned district, a diversified planned unit development or an MM zoned district.

Section PM 302.14.1. Exception: Educational programs. This Section shall not apply to the keeping, sheltering or harboring of animals in connection with bona fide educational programs run or overseen by a public or private elementary, middle or secondary school or college or

university, or the Delaware Cooperative Extension Education Program, or the 4-H or the Newark Pigeon Club, Wilmington Homing Club or Delmarva Pigeon Club. Participation in the educational programs or pigeon clubs listed shall constitute an affirmative defense and must be renewed annually. Participation in a pigeon club is only an affirmative defense for the keeping, sheltering or harboring of pigeons.

~~[PM 302.14.2, Exception: Horses. This Section shall not apply to the keeping, sheltering or harboring of horses.]~~

Section PM 302.15. Boats. . . .

Section PM 302.15.1 ~~[All boats]~~ Boats shall be stored upon a registered trailer which is suitable to transport the boat. A commercially manufactured frame, designed for the storing of sailboats, is also appropriate. *All trailers and frames* shall be stored upon a hardened and treated surface constructed of material, treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The surface must fully accommodate the size of the vehicle. The trailer shall not extend into the right of way.

~~*Section PM 302.15.2.* The storing of boats and boat trailers is prohibited in any street, roadway, or public right of way, or in any street yard including within a driveway.*~~

~~*Section PM 302.15.3.* One (1) properly stored boat may be parked on a residential lot two (2) acres or larger when a 0.5 opacity buffer, as defined by Chapter 40, is established along all property line(s) adjacent to the vehicle.*~~

~~*Section PM 302.15.4.* On lots less than two (2) acres in size, one (1) properly stored boat (or recreational vehicle) may be stored in the rear yard or side yard (behind the required front setback line) of a residential lot provided that: (a) it is stored parallel to and adjacent to the house or a permanent accessory structure; and (b) a suitable evergreen screen is placed around all sides of the boat or recreational vehicle with the exception of the side used for ingress/egress.*~~

~~*Pursuant to Ordinance 05-127, effective December 2, 2005, a stay was placed upon the enforcement of Sections PM 302.15.2, 302.15.3, 302.15.4 and Sections PM 302.8.5, 302.8.5.2, 302.8.5.3 in order for the New Castle County Council to review and possible revisit the parking requirements for boat trailers and recreational vehicles.~~

Section PM 302.16, Portable temporary storage units. . .

Section PM 302.16.2, The temporary storage units must be . . .

Section PM 302.16.2.1, Exception. In the event that it is unfeasible to place the temporary storage units on either a hard concrete or asphalt surface as required in Section PM 302.16.2, the temporary storage unit may be placed anywhere on the property subject to section PM 302.16.1.

Section PM 302.16.3, The location of the temporary storage . . .

Section PM 302.17. Portable Toilets. The temporary use of self-contained toilets shall be allowed to provide bathroom facilities for special events, construction and/or rehabilitation projects, and/or interruption of sewer service for emergencies or planned upgrades or repairs. For purposes of this subsection, “temporary use” means any use of one or more self-contained portable toilets for a period of 10 calendar days or less. The long term use of portable toilets shall not be allowed as permanent sanitary facilities for residential or nonresidential use, or as secondary sewer facilities on existing developed lots. For purposes of this subsection, “long-term use” means any use of one or more self-contained portable toilets for a period of more than 10 consecutive calendar days.

Section 16. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 3 (“General Requirements”), Section PM 303 (“Swimming Pools, Spas and Hot Tubs”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 303. SWIMMING POOLS, SPAS AND HOT TUBS

Section PM 303.1. Swimming pools. . . .

~~[Section PM 303.2. Enclosures. Swimming pools, hot tubs and spas, more than twenty four (24) inches in depth shall be completely surrounded by a fence or barrier at least forty eight (48) inches in height. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty four (54) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.]~~

~~[Section PM 303.2. Exception, this Section shall not apply to hot tubs and spas when secured by an approved safety cover.]~~

Section 17. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Chapter 3 (“General Requirements”), Section PM 304 (“Exterior Structure”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 304. EXTERIOR STRUCTURE. . .

Section PM 304.13. Window, skylight and door frames . . .

~~Section PM 304.13.2. Openable windows. Every window other than a fixed window, shall be easily openable and capable of being held in position by window hardware and shall be equipped with a functioning locking device.~~

Section PM 304.14. Insect Screens. During the period from April 15th to October 15th, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with tightly fitting screens ~~[of not less than (sixteen) 16 mesh per inch.]~~ that are free of holes and tears and maintained in good condition. Every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

...

Section 18. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 3 (“General Requirements”), Section PM 307 (“Rubbish and Garbage”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION 30~~[7]~~8. RUBBISH AND GARBAGE

Section PM 30~~[7]~~8.1. Accumulation of rubbish or garbage, ~~[No owner occupant, possessor or person responsible for a developed or undeveloped parcel of land shall permit rubbish, or garbage, trash, refuse, or other waste material to be placed or accumulated upon.]~~ All exterior property and premises, and the interior [and/or exterior] of [such parcel or the right-of-way abutting such parcel] every structure, shall be free from any accumulation of rubbish or garbage.

Section PM 30~~[7]~~8.2. Disposal of rubbish . . .

Section PM 30~~[7]~~8.2.1. Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Section PM 30~~[7]~~8.2.2. Appliances . . .

Section ~~PM 30~~[7]~~~~8.3. Dumpster . . .

Section PM 30~~[7]~~8.3.~~1~~ . . .

Section PM 30~~[7]~~8.3.2 . . .

Section PM 30~~[7]~~8.3.2.1. Exception . . .

Section PM 30~~[7]~~8.3.3. The location of . . .

Section PM 30~~[7]~~8.4. Commercial business . . .

Section PM 30[7]8.5. Food Establishments . . .

Section 19. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 3 (“General Requirements”), Section PM 308 (“Extermination”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 30[8]9. EXTERMINATION

Section PM 30[8]9.1. Infestation, is amended by deleting the subsection in its entirety and substituting the following:

Section PM 30[8]9.1 *Infestation*. All structures and premises shall be kept free from insect and rodent infestation. All structures and premises in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Section PM 30[8]9.2. Owner, is amended by deleting the subsection in its entirety and substituting the following:

Section PM 30[8]9.2. Owner. The owner of any structure or premises shall be responsible for extermination within the structure prior to renting or leasing the structure or premises.

Section PM 30[8]9.4. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination of the interior areas of the structure and exterior property.

Section PM 30[8]9.5. Owner and Occupant. The occupant of any structure or premises shall be responsible for the continued rodent and pest-free condition of the structure or premises. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Section 20. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), Chapter 3 (“General Requirements”), Section PM 507 (“Discharge of Clear Water”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SECTION PM 507. DISCHARGE OF CLEAR WATER

Section PM 507. Discharge . . .

Section PM 507.1.1 Exception. Clear water may be legally discharged by any of the aforementioned mechanisms, provided that the point of discharge is in accordance with the

following standards: (A) for a single family detached, duplex or end unit of any other dwelling type, the point of discharge [~~may extend into a yard setback up to half the distance of the setback as measured from the home but not closer than (5) feet from any property line~~], may not be closer than 5 feet from the side and rear property lines or closer than 10 feet from a public sidewalk or, in the absence of a public sidewalk, from the edge of the curb or roadbed; and provided a minimum two (2) foot pervious surface is located between the point of discharge and any property line over which the clear water may flow; (B) for an accessory structure, the point of discharge shall not be closer than five (5) feet from the nearest property line; (C) for an attached interior dwelling unit, the point of discharge may be parallel to or away from the common property line so that it is not directed across adjacent properties.

Section PM 507.1.2 . . .

Section 21. *Schedule of Code Enforcement Fees*, is added as a new subsection to read as follows:

SCHEDULE OF CODE ENFORCEMENT FEES

Abatements

Administrative fee for abatement/vendor services \$150.00

Administrative

Extension to code directives

First extension No charge

Second extension \$ 25.00

Third and subsequent extension \$ 50.00

Re-inspection fee for failed inspections (applied to non-ticketable

offenses after 2nd failed inspection) \$ 50.00

Ticket (per violation) for the 1st occurrence \$ 50.00

Ticket (per violation) for the 2nd occurrence \$ 75.00

Tickets (per violation) for 3rd and subsequent occurrences \$100.00

Appeals and Hearings

Administrative appeal – LIRB (Tickets only) \$250.00

Administrative appeal – LIRB (Other) \$500.00

Show Cause or Pre-deprivation Hearing Fee \$300.00

Ticket appeal fee – hearing officer \$ 20.00

(unsuccessful appeals only)

Recording Fees

Lien recording and satisfaction \$ 60.00

Section 22. Adoption of the International Property Maintenance Code. Certain documents on file in the office of the Clerk of County Council, being marked and designated as the *International Property Maintenance Code, 2018 edition*, published by the International Code Council, Inc., are hereby adopted as the Property Maintenance Code of New Castle County, for the control of buildings, structures and premises as provided herein. All the sections, conditions, and terms of the International Property Maintenance Code, 2018 edition are hereby referred to, adopted and made a part of this Chapter as if fully set out herein, with the additions, insertions, deletions and changes prescribed in this Ordinance.

Section 23. 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 24. 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 25. Continuation of existing institutions, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this Ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar or matter existing before the time when such revisions shall take effect; but the proceedings in every case shall conform with this Ordinance to the extent applicable.

Section 26. All of the provisions of ordinances, resolutions, rules and regulations revised by this Ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions.

Section 27. No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this Ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

Section 28. No such action or prosecution, pending on the effective date of the revisions provided in this Ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this Ordinance if applicable.

Section 29. The provisions in this Ordinance shall not be construed to abolish or impair existing remedies available to New Castle County or its officers or agencies relating to the remediation of any dangerous, unsafe, or unsanitary condition.

Section 30. 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 to be 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 31. Other laws. The provisions of this Ordinance shall not be deemed to nullify any provisions of local, state, or federal law except as stated in Section 23 above.

Section 32. Effective Date. This ordinance shall become effective immediately upon its adoption by County Council and approval of the County Executive or as otherwise provided in 9 Del. C. § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: The following is a summary of the amendments contained in this Ordinance broken down by Section

Section 1. This Amendment adopts the *International Property Maintenance Code, 2018 edition*.

Section 2. This Amendment aligns Chapter 7 with the 2018 IPMC.

Section 3. This Amendment acknowledges that Chapter 7 may be applied to any of the incorporated municipalities that elect to have NCC provide Code Enforcement services.

Section 4. This Amendment removes provisions that are also found in the 2018 IPMC and adjusts numbering.

Section 5. This Amendment removes provisions that are also found in the 2018 IPMC and adjusts numbering.

Section 6. This Amendment deletes Section PM 105 in its entirety.

Section 7. This Amendment provides for reinspection fees; expands ticketing to include sanitation and portable temporary storage unit offenses; incorporates an escalating ticket fee schedule; clarifies that the Show Cause hearings may be pre-deprivation hearings; changes the legal standard on appeal; and clarifies that the criminal penalties are applicable to administrative hearings. Substitute No. 1 shortened the escalating ticket schedule to impose higher ticket amounts sooner.

Section 8. This Amendment adds the term “owner’s authorized agent” as a responsible party. It also clarifies that restricted entry to placarded premises will be permitted to cure violations.

Section 9. This Amendment allows for a post-deprivation hearing after emergency measures are taken.

Section 10. This Amendment adds the term “owner’s authorized agent” as a responsible party.

Section 11. This Amendment provides standards for materials used in securing vacant structures.

Section 12. This Amendment adds Stop Work Orders to the Property Maintenance Code.

Section 13. This Amendment clarifies that Chapter 40 is part of the *New Castle County Code*.

Section 14. This Amendment adds new definitions (Domestic animal, Self-contained portable toilets and Wooded), amends the definition of Debris, and removes definitions (Garbage, Suitable screening and Yard).

Section 15. This Amendment requires exterior property be kept in a clean, safe and sanitary condition, including removing animal feces; clarifies that bamboo is not a weed; exempts farms and properties used exclusively for agriculture from the high grass regulations; adds a requirement to address dead trees and tree limbs outside of wooded areas; clarifies when oversized vehicles may be kept on premises; eliminates the provisions on recreational vehicles that were stayed in 2005; allows for a temporary permit to be issued for a visitor’s RV to be parked on a private property and restricts the connecting of said vehicle to public utilities; restricts the parking of construction equipment in communities; prohibits the storing of airplanes, helicopters and parts of both on residentially zoned properties; requires graffiti be removed that is visible to the public; expands the examples of items that fall under prohibited outside storage of household items; clarifies that shrubbery and trees on all properties shall be maintained off the

sidewalks; clarifies that the affirmative defense for pigeons only applies to pigeons and affirmative defenses must be renewed annually; removes the exception for a horse under prohibited animals in a residential area; removes the provisions for boats that were stayed in 2005; and limits the use of portable toilets.

Section 17. This Amendment removes provisions that are contained in the 2018 IPMC. It also requires that tightly fitting screens in good condition be attached to windows and doors required for ventilation of food preparation and service areas or habitable areas.

Section 18. This Amendment clarifies that rubbish and garbage shall not be allowed to accumulate. It also mandates that the owner of occupied properties shall be responsible for providing covered rubbish containers and is responsible for the removal of rubbish and garbage.

Section 19. This Amendment adjusts the numbering within this section as a result of a change to the 2018 IPMC.

Section 20. This Amendment simplifies the application of the Clear Water Discharge regulations.

Section 21. This Amendment incorporates a Schedule of Code Enforcement Fees.

FISCAL NOTE: This Ordinance will have a positive fiscal impact on the county finances in the form of new fees that are targeted to help defray a portion of the costs of code enforcement inspections.

	FY2019	FY2020	FY2021
Additional revenue from new ticket categories	\$ 3,314	\$ 5,681	\$ 6,000
Reinspection fees	\$ 9,056	\$ 15,525	\$ 17,025
Progressive ticket fees	\$ 16,406	\$ 28,125	\$ 29,625
Tax Billings		\$ 5,755	\$ 9,866
TOTAL	\$ 28,776	\$ 55,086	\$ 62,516

Substitute No. 1 shortened the escalating ticket schedule to impose higher ticket amounts sooner. This will have the effect of increasing the estimates in the table above.