

**Chapter 66**

**CABLE TELEVISION**

**§ 66-1. Adoption of regulations.**

**§ 66-2. Interested parties.**

**§ 66-3. Execution and filing of forms.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 2-14-1994 as Ord. No. 364. Amendments noted where applicable.]**

GENERAL REFERENCES

Cable television franchise – See Ch. A180.

**§ 66-1. Adoption of regulations.**

The town hereby specifically adopts the FCC regulations with respect to the basic service rates and charges of any cable television system operating in the town. Any rate regulations or orders adopted by the town shall be consistent with the FCC regulations.

**§ 66-2. Interested parties.**

In connection with such regulations, the town will ensure a reasonable opportunity for consideration of the views of interested parties.

**§ 66-3. Execution and filing of forms.**

The Town Manager, or his designee is authorized to execute on behalf of the town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC in order to enable to town to regulate basic service rates and charges.

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**§ 69-1. Definitions; word usage.**

**§ 69-2. Curfew for juveniles.**

**§ 69-3. Exceptions.**

**§ 69-4. Parental responsibility.**

**§ 69-5. Operator responsibility.**

**§ 69-6. Enforcement procedures.**

**§ 69-7. Violations and penalties.**

**§ 69-8. Construction and severability.**

**§ 69-9. Continuing evaluation.**

**§ 69-10. Notice.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 8-3-1998 by Ord. No. 308. Amendments noted where applicable.]**

**§ 69-1. Definitions; word usage.**

A. For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

B. As used in this chapter, the following terms shall have the meanings indicated:

EMERGENCY – An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural

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disaster or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**ESTABLISHMENT** – Any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

**JUVENILE** – Any unemancipated person under the age of 16 years or, in equivalent phrasing, any person 15 years or less of age.

**OPERATOR** – Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of any association or partnership and the officers of a corporation.

**PARENT** – Any person having legal custody or a juvenile:

- (1) As a natural or adoptive parent;
- (2) As a legal guardian;
- (3) As a person who stands in loco parentis; or
- (4) As a person to whom legal custody has been given by court order.

**PUBLIC PLACE** – Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades and similar areas that are open to the use of the public. As a type of public place, a “street” is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. “Street” includes that legal right-of-way, including, but not limited to, the cartway of traffic lanes, the curb and the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

**REMAIN** – To stay behind, to tarry and to stay unnecessarily in a public place, including the congregating of groups (or of interacting juveniles) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home, or to fail to leave the premises

of an establishment when requested to do so by a police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined in this chapter. More and more exceptions become available with a juvenile's increasing years and advancing maturity as appropriate to the interest of reasonable regulation.

**TIME OF NIGHT** – As referred to herein is based upon the prevailing standard of time, whether Eastern Standard time or Eastern daylight savings time, generally observed at that hour by the public in the Town of Laurel; prima facie, the time then observed in the Town of Laurel administrative offices.

**TOWN** – The Town of Laurel, Sussex County, Delaware.

**YEARS OF AGE** – Continues from one birthday to, but not including, the day of the next, making it clear that 15 or less years of age is herein treated as equivalent to the phrase “under 16 years of age.”

### **§ 69-2. Curfew for juveniles.**

It shall be unlawful for any person 15 years of age or less (under 16) to be or remain in or upon any public place within the Town of Laurel during the period ending at 6:00 a.m. and beginning:

- A. At 12:00 midnight on Friday and Saturday nights.
- B. Eleven p.m. on all other nights.

### **§ 69-3. Exceptions.**

The following shall constitute valid exceptions to the operation of this chapter.

- A. Accompanied by parent: when a juvenile is accompanied by a parent of such juvenile.
- B. Accompanied by authorized adult: when a juvenile is accompanied by an adult authorized by a parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and within a specified area for a specific purpose.
- C. Emergency: when a juvenile is assisting in an emergency, including, by way of example and not in limitation, responding as a member of a volunteer fire company to a fire company or paramedic call.

- D. First Amendment rights: when a juvenile is exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of assembly, by first delivering to the person designated by the Chief of Police to receive such information a written communication, signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be in a public place during hours when this chapter is applicable to said juvenile in the exercise of a First Amendment right specified in such communication.
- E. Reasonable necessity: in case of reasonable necessity for the juvenile remaining in a public place but only after the juvenile's parent has communicated to the Chief of Police or the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to a specified public place at a designated time for a described purpose, including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.
- F. Returning directly home: without detour or stop within one hour of the end of a school, religious or recreational activity supervised by adults and sponsored by the Town of Laurel, a civil organization or a voluntary association that takes responsibility for the juveniles or a place of public entertainment, such as a movie, play or sporting event.
- G. Special permits (individual): when authorized by a special permit from the Chief of Police, carried on the person of the juvenile thus authorized, as follows:
- (1) When necessary night-time activities of the juvenile may be inadequately provided for by other provisions of this chapter, then recourse may be had to the Chief of Police, either for a regulation as provided in Subsection H or for a special permit as the circumstances warrant.
  - (2) Upon a finding of undue hardship and reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile and by a parent of the juvenile, if feasible, stating:
    - (a) The name, age and address of the juvenile;

- (b) The name, address and telephone number of a parent thereof;
  - (c) The height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile;
  - (d) The necessity that requires the juvenile to remain upon a public place during the curfew hours otherwise applicable, and the undue hardship that will result if such permit is not granted;
  - (e) The public place; and
  - (f) The beginning and ending of the period of time involved by date and hour. The Chief of Police may grant a permit in writing for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this chapter. In an emergency this may be handled by prior telephone or other effect communication, with a corresponding record being made contemporaneously by the Chief of Police or by the person designed by the Chief of Police to act on his or her behalf in an emergency, at the police station.
- H. Special regulation (group). When authorized by regulation issued by the Chief of Police in other similar cases of reasonable necessity, similarly handled but adapted to reasonably necessary night-time activities of more juveniles that can readily be dealt with on an individual special basis, but only where such juveniles will be under the active supervision of adults responsible for such juveniles. Normally such regulation by the Chief of Police permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved, not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this chapter.
- I. Employment necessity: when the juvenile is legally employed, going to or returning home from employment and carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than 45 days previously, signed by the parent and employer and briefly identifying the juvenile, the addresses and telephone numbers of the juvenile's home and of the juvenile's place of employment and of the juvenile's employment. The Town of Laurel shall prepare a form to be used by employers for purposes of this subsection.

- J. Operator of establishment: in the case of an operator of an establishment, when the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

**§ 69-4. Parental responsibility.**

- A. The foregoing exceptions to the operation of this chapter shall act only to create a waiver of enforcement and affirmative defense(s) to such enforcement. By authorizing such exceptions, neither the Town of Laurel nor any member of the Police Department shall assume any affirmative obligation or duty to supervise the well-being of any juvenile acting pursuant to such authorized exception.
- B. It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow a juvenile to remain in any public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this chapter. The term “knowingly” includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent’s legal custody. This requirement is intended to hold a negligent or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
- C. It shall be unlawful for any parent to “knowingly” (as defined above) provide any false authorization, information or certification, written or verbal, to the Laurel Police Department in order to obtain an exception to the operation of this chapter under § 69-3 hereof.

**§ 69-5. Operator responsibility.**

It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of this chapter. The term “knowingly” includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for “knowingly” shall be applied through an objective test: whether a reasonable person in the operator’s position should have known that the patron was a juvenile in violation of this chapter.

**§ 69-6. Enforcement procedures.**

- A. If a police officer reasonably believes that a juvenile is in a public place in violation of

this chapter, the officer shall notify the juvenile that he or she is in violation of this chapter and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or State of Delaware Identification Card, a police officer, in the first instance of violation of this chapter, shall use his or her best judgment in determining age.

- B. The police officer shall issue the juvenile a written warning that the juvenile is in violation of this chapter and order the juvenile to go promptly and directly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation pursuant to § 69-6F.
- C. The police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances; for example, a juvenile of tender age, near home, whose identity and address may readily be ascertained or are known.
- D. Notwithstanding Section B of this section, when a juvenile has received one previous written warning for violation of this chapter; or a police officer has reasonable grounds to believe that the juvenile has engaged in delinquent conduct, the procedure shall then be to take the juvenile to the police station where a parent or guardian shall be questioned. This is intended to permit ascertainment, under Constitutional safeguards, of relevant facts, and to centralize responsibility in the person designated there and then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus, making available experienced personnel and access to information and records.
- E. When a parent or guardian, immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent or guardian. If the parent or guardian cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by the juvenile authorities, the juvenile may temporarily be entrusted to an adult, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for the juvenile pending the availability or arrival of a parent or guardian.
- F. In the case of a first violation of this chapter by a juvenile, the Chief of Police shall by certified mail send to a parent or guardian written notice of the violation with a warning that any subsequent violation will result in full enforcement of this chapter,

including enforcement of the parental responsibility and applicable penalties.

- G. For the first violation of this chapter by an operator of an establishment who permits a juvenile to remain on the premises, a police officer shall issue a written notice of the violation with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of operator responsibility and of applicable penalties.
- H. In any event the police officer shall, within 24 hours, file a written report with the Chief of Police or shall participate to the extent of the information for which he or she is responsible in the preparation of a report on curfew violation. It is not the intention of this section to require extensive reports that will prevent police officers from performing their primary police duties. The reports shall be as simple as is reasonably possible and may be completed by police departmental personnel other than sworn police officers.

**§ 69-7. Violations and penalties.**

A. Parents.

- (1) If after the warning notice pursuant to § 69-6F of a first violation by a juvenile, a parent violates § 69-4 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For the first offense by a parent, the fine shall be \$50, and for each subsequent offense by a parent the fine shall be increased by an additional \$25, e.g., for a second offense, \$100 for a third offense. Any court of competent jurisdiction, upon finding a parent guilty, shall sentence the parent to pay this fine, the victims compensation fund assessment and the cost of prosecution.
- (2) The parent or legal guardian having custody of a juvenile subject to this section shall be liable for all costs incurred by the Town of Laurel for providing personnel to remain in the company of a juvenile who has been detained as a curfew violator if the parent or guardian does not pick up the juvenile within one hour after receiving notice from the Town of Laurel that the Town of Laurel is detaining the juvenile for a curfew violation. The amount to be paid by the parent or guardian shall be based upon the hourly wage of the Town of Laurel employee who is assigned to remain with the juvenile plus the cost of benefits for that employee.
- (3) The parent or legal guardian having custody of a juvenile subject to this

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section shall be liable for any fine or condition of restitution or reparation imposed by a court upon a curfew violator, provided that the curfew violator has not paid the fine or made restitution or reparation within the time order by the Court, and further provided that the parent or guardian has been made a party defendant in all enforcement proceedings against the curfew violator and shall be served with all citations, summons, complaints, notices and other documents required to be served on the curfew violator defendant.

- B. Juveniles. Any juvenile who shall violate any of the provisions of this chapter more than three times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision, and the Chief of Police may proceed to file such charges with the courts as he or she may deem appropriate.
- C. Operators. If, after the warning notice pursuant to § 69-6 of violation of this chapter, an operator of an establishment violates § 69-5 a second time, this shall be treated as a first offense by the operator. For the first offense by an operator, the fine shall be \$50, and for each subsequent offense by an operator the fine shall be increased by an additional \$50, e.g., \$100 for a second offense, \$150 for a third offense.
- D. False certification. Any parent or guardian convicted of knowingly providing any false authorization, information or certification, written or verbal, to the Town of Laurel Police Department in violation of § 69-4C shall pay a fine of \$50 for the first offense, and for each subsequent offense, the fine shall be increased by an additional \$50 plus the victim's compensation fund assessment and costs.

**§ 69-8. Construction and severability.**

- A. Severability is intended throughout and within the provisions of this chapter. If any provision, including any exception, part, phrase or term, or the application thereof to any person or circumstances, is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this chapter in any and all other respects shall not be affected thereby.
- B. Advisory opinions.
  - (1) The Town Manager, after consultation with the Town Attorney, is hereby authorized to give advisory opinions in writing, which shall be binding and shall be adhered to by the police, until this chapter is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to the

Town Manager or to any member of the Town Council, questioning the Curfew Ordinance as:

- (a) Ambiguous;
  - (b) Having a potentially chilling effect on constitutional rights specifically invoked; or
  - (c) Otherwise invalid, in all three categories, with respect to proposed conduct definitely described.
- (2) The administrative remedy must be exhausted prior to presenting to any court a question in any of the three categories. The Mayor and Town Council of Laurel do not intend a result through the enforcement of this chapter that is absurd, impossible of execution or unreasonable. Mayor and Council intends that this chapter be held inapplicable in such cases, if any, under the Constitution of the State of Delaware or the Constitution of the United States of America.

**§ 69-9. Continuing evaluation.**

The Mayor and Town Council shall continue its evaluation and updating of this chapter through methods, including but not limited to:

- A. Within six months after the implementation of this chapter, the Chief of Police shall provide the Mayor and Town Council with a report concerning the effect of this chapter on crimes committed by and against juveniles, and of the number of warnings issued and arrests of juveniles, parents, guardians and operators hereunder, and such other information as the Mayor and Town Council of Laurel may request.
- B. On a regular basis, the Mayor and Town Council of Laurel shall receive informal reports of all exceptional cases hereunder or reasonable necessity, the notices of school and other activities, the special permits and the regulations authorized above and the advisory opinions for consideration by the Mayor and Town Council in further updating and continuing evaluation of this chapter

**§ 69-10. Notice.**

Notice of the existence of this chapter and of the curfew regulations established by it shall be posted in, on or about such public or quasi-public places as may be determined by the Chief of Police

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and Town Manager of Laurel in order that the public may be constantly informed of the existence of this chapter and its regulations.

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## Chapter 72

### DRUGS

§ 72-1. Loitering prohibited.

§ 72-2. Definitions.

§ 72-3. Opportunity for explanation of actions.

§ 72-4. Enforcement.

§ 72-5. Violations and penalties.

**[HISTORY: Adopted by the Town Council of the Town of Laurel 1-6-1992 as Ord. No. 305. Amendments noted where applicable.]**

§ 72-1. Loitering prohibited.

- A. It shall be unlawful for any person to loiter in, on, or upon any public place, street, road, lane, sidewalk, or alley, whether public or private, or in, on, or upon any private property without the express permission of the owner or individual in control of such private property and its premises, in a manner and under circumstances manifesting the purpose of engaging in drug-related activity in violation of the Uniform Controlled Substances Act, 16 Del. C. Chapter 47.
- B. Among the circumstances which may be considered in determining whether such purpose is manifested are the following:
- (1) Such person is a known unlawful drug user, possessor, or seller, as defined in this chapter.
  - (2) Such person is currently subject to a court order prohibiting his or her presence in the geographic area because it has been identified as an area in which there is a high degree or amount of unlawful drug activity.
  - (3) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including, by way of example only, such person acting as a lookout.

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- (4) Such person is physically identified by, or is known by, or both identified and known by the investigating officer, as a member of an illegal drug organization, gang or association which has as its purpose illegal drug activity.
- (5) Such person passes to or receives from passerby, whether on foot or in a motor vehicle, small objects or packages, or written material, or legal tender or currency in a furtive fashion.
- (6) Such person takes flights upon the appearance of a police officer.
- (7) Any vehicle involved is registered to, or is operated or occupied by a known unlawful drug user, possessor seller, or by a person for whom there is an outstanding warrant for a crime involving drug-related activity.

**§ 72-2. Definitions.**

For the purposes of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:

**CONVICTION** – Includes a plea of guilty, nolo contendere, adjudication pursuant to order of the Family Court, and any participation in a diversionary program established pursuant to the provisions of 16 Del.C., Chapter 47.

**KNOWN DRUG USER, POSSESSOR OR SELLER** – A person who has, within the knowledge of the investigating officer or the arresting officer, or both, previously been convicted of any violation of substantially similar laws of any political subdivision of this state or such laws of any other state or of the United States; or a person who displays physical characteristics of drug intoxication or usage, including, by way of example only, but not limited to “needle tracks”; or a person who uses or possesses drug paraphernalia as defined and provided in Subchapters I and V of 16 Del. C., Chapter 47.

**LOITER** – For a person to remain idle in essentially one (1) place, including but not limited to, loafing, spending time idly, or walking around aimlessly, except to engage in drug-related activity.

**PUBLIC PLACE** – An area generally visible to public view and including any streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (while moving or not), athletic fields, bus station, train depot, cemetery and any other place commonly and generally open to the public and buildings open to the general public, including those which

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serve food or drink or provide entertainment, and the doorways and entrances to buildings or

dwellings and the grounds enclosing them, or any other area, either publicly or privately owned, to which the public has access.

**§ 72-3. Opportunity for explanation of actions.**

No arrest shall be made for a violation of § 72-1A of this chapter unless the arresting officer first affords the person an opportunity to explain his or her conduct, and no person shall be convicted of a violation of § 72-1A of this chapter if it is determined at trial that the explanation so given was true and disclosed a lawful purpose.

**§ 72-4. Enforcement.**

The Town Manager may promulgate regulations deemed necessary to the enforcement of the provisions of this chapter, subject to the approval of the Town Council.

**§ 72-5. Violations and penalties.<sup>1</sup>**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than fifty dollars (\$50), nor more than five hundred dollars (\$500) or imprisoned for a period not to exceed thirty (30) days, or both, and shall pay the costs of prosecution. For the purposes of this chapter, each day or part thereof that a violation continues shall constitute a separate offense.

**Chapter 76**

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

## **ELECTRICAL STANDARDS**

**§ 76-1. Adoption of standards.**

**§ 76-2. Enforcement.**

**§ 76-3. Inspection of wiring.**

**§ 76-4. Compliance with code.**

**§ 76-5. Defective wiring.**

**§ 76-6. Board of Adjustment.**

**§ 76-7. Approved materials to be used.**

**§ 76-8. Emergency shutoff switch for gas or oil burners.**

**§ 76-9. Exemptions from permit requirements.**

**§ 76-10. Violations and penalties.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 2-21-1972 by Ord. No. 708; amended 6-3-1996 by Ord. No. 1000. Amendments noted where applicable.]**

**§ 76-1. Adoption of standards.**

The National Electrical Code (1993 edition and subsequent revisions thereto) recommended by the National Board of Fire Underwriters be and the same is hereby adopted and incorporated herein by reference as though fully set out.

**§ 76-2. Enforcement.**

The National Electrical Code (1993 edition and subsequent revisions thereto) shall be enforced by the Code Enforcement Officer of the Town of Laurel. The owner or his or her duly authorized agent shall cause an inspection to be made by the Middle Department Association of Fire Underwriters, a nonprofit corporation (hereinafter referred to as "Underwriters"), to determine that

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any installation, renewal, extension and reception of any electrical wiring has been accomplished pursuant to and in conformity with the provisions of the National Electrical Code (1993 edition and

subsequent revisions thereto) and this chapter.

**§ 76-3. Inspection of wiring.**

Each owner shall cause the premises for which electrical wire or conduction to be used for the transmission of electrical current for electric light, heat or power purposes, whether in existing building, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of building, structures or outdoor electrical displays or signs, are to be installed, received, renewed or extended or caused to be installed, received, renewed or extended to be open for inspections by Underwriters at all reasonable times.

**§ 76-4. Compliance with code.**

- A. All inspections shall be made to ensure that the proposed electrical work complies with the provisions of the National Electric Code. No electric wiring shall be concealed unless inspected and approved by the representative or representatives of the Underwriters, but such inspection or inspections shall be made within a reasonable time after notice of the completion of the electric work sought to be inspected for approval. A duplicate record of each written approval made by the Underwriters shall be filed with the Code Enforcement Officer.
- B. All decisions made to determine whether or not the proposed electric work complies with the provisions of the National Electrical Code shall be made by Underwriters. The Underwriters shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the National Electrical Code and this chapter.

**§ 76-5. Defective wiring.**

- A. In order to safeguard persons and property against the hazards and perils incident to defective electrical wiring and apparatus that are or may now be in existence within the corporate limits of the Town of Laurel, the Code Enforcement Officer or his or her duly authorized representatives is hereby given the duty to inspect with his agents and the representative or representatives of the Underwriters or similar organization when requested by proper authorities, or when public interest so requires, any premises within the Town of Laurel at reasonable times to ensure that the existing electrical wiring system and apparatus is not defective and unsafe.

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- B. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Code Enforcement Officer in writing on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address as

shown on the latest tax records, with reasons for his or her decision.

- C. Upon the Code Enforcement Officer's or his duly authorized representative's decision that the existing electric wiring system is defective and unsafe, it shall be discontinued until it is corrected and made to comply with the provisions of the National Electrical Code in accordance with this chapter.

**§ 76-6. Board of Adjustment.**

- A. The Board of Adjustment, for purposes of hearing appeals pursuant to this section, shall be the Board of Adjustment created by Establishing Comprehensive Zoning Regulations for the Town of Laurel, Delaware, as amended, and the members shall be those designated pursuant to the terms of such ordinance. **[Amended 6-3-1996 by Ord. No. 1000; 2-3-1997]**
- B. Any three members of the Board shall constitute a quorum. In reversing or modifying the action of the Code Enforcement Officer or of the application of the provisions of this chapter, an affirmative vote of a majority of all the members of the Board shall be required. No member of the Board of Adjustment shall act in a case in which he or she has a personal interest. **[Amended 2-3-1997]**
- C. Appeals to the Board may be taken by any person aggrieved by any decision of the Code Enforcement Officer or of Underwriters. Such appeal shall be taken within 20 days by the aggrieved person by filing with the Code Enforcement Officer and with the Town Clerk of the Town of Laurel a notice of appeal specifying therein the grounds of the appeal. Within five days following receipt of the notice of appeal, the Code Enforcement Officer shall transmit to the Town Clerk of the Town of Laurel all the papers constituting the record upon which the decision appealed from was taken. Not later than 30 days following receipt of the notice of appeal by the Town Clerk of the Town of Laurel, the Chairperson of the Board shall set a time and date and for a place for the hearing of the appeal by the Board of Adjustment. All meetings of the Board shall be open to the members of the general public. The Board shall keep minutes and records in proceedings, showing the evidence received at the hearing, the vote of each member upon each question considered, or indicating the absence of a member or failure of a member to vote if such was the fact. A fee of \$50 shall be deposited as security for costs with the Town Clerk of the Town of Laurel at the time of filing the notice of appeal. No appeal shall be considered by the Board until the fee

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of \$50 is paid. If the Board shall reverse the decision of the Code Enforcement Officer, all costs of the appeal shall be borne by the Town of Laurel except that in no event shall the deposit made at the time of filing the notice of appeal be returned. If

the Board affirms the decision of the Code Enforcement Officer, all costs incurred on the appeal shall be borne by the person taking the appeal. [Amended 2-3-1997]

- D. The Board shall adopt rules of procedure in order to carry out the intent of this chapter. The Board shall elect a Chairperson by majority vote, who shall appoint a Vice Chairperson. The Chairperson, or in his or her absence or disqualification, the Vice Chairperson, shall administer oaths and compel the attendance of witnesses by the issuance of a subpoena. Meetings of the Board shall be at the call of the Chairperson, or, in his or her absence or disqualification, by the Vice Chairperson.
- E. An appeal from a decision of the Code Enforcement Officer shall stay all proceedings in the action appealed from unless the Code Enforcement Officer certifies under oath to the Board within five days after the notice of appeal has been filed with him or her that, because of acts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed unless a restraining order is granted by the Board or by a court of competent jurisdiction on application and following notice the Code Enforcement Officer and on due cause shown.
- F. All decisions of the Board shall be in writing and shall be reached without unreasonable or unnecessary delay. The Board shall send a copy of its decision specifying the reasons therefor the persons appealing.
- G. The Board of Adjustment created pursuant to the ordinance establishing comprehensive zoning regulations for the Town of Laurel, Delaware, as amended, in hearing appeals pursuant to § 76-6, shall apply the standard, guidelines and procedures as set forth in § 76-7, rather than the standard guidelines and procedures relating to appeals, special exceptions and the granting of variances as set forth Article XIII of the ordinance establishing comprehensive zoning regulations for the Town of Laurel, Delaware, as amended. [Added 2-3-1997]

**§ 76-7. Approved materials to be used.**

Only the materials, fittings and devices enumerated in the List of Inspected Appliances of Underwriters Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the National Electrical Code and this chapter.

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**§ 76-8. Emergency shutoff switch for gas or oil burners.**

The National Electrical Code herein adopted is supplemented by adding thereto the following which is made a part hereof:

- A. Whenever a permit is required under the terms of this chapter for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shutoff switch with a red plate thereon marked "Oil Burner" or "Gas Burner" as the case may be, at the entrance to the basement or heating room.

**§ 76-9. Exemptions from permit requirements.**

No permit shall be required under this chapter for the following electrical work:

- A. Replacement of lamps and fuses.
- B. The connection of portable electrical appliances.
- C. Equipment installed or work exercised in its function as a utility and located in or on its right-of-way.
- D. Equipment used in connection with commercial radio and television transmission.
- E. Repair manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on existing buildings and performed by a regular employee who is a qualified journeyman electrician.

**§ 76-10. Violations and penalties.**

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$100 or by imprisonment for a term not exceeding 30 days, or both, and shall pay the costs of prosecution. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

FLOODPLAIN MANAGEMENT

**Chapter 80**

FLOODPLAIN MANAGEMENT

ARTICLE I

**General Provisions**

**§ 80-1. Purpose.**

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**§ 80-13. Design and construction standards.**

**ARTICLE VII**



- A. To promote the general health, welfare and safety of the community.
- B. To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. To minimize danger to public health and safety by protecting water supply, sanitary sewage disposal and natural drainage.
- D. To reduce financial burdens imposed on the community, its governmental units and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

**§ 80-2. Applicability.**

It shall be unlawful for any person to undertake or cause to be undertaken any development or the new construction, substantial improvement, the placement or relocation of any structure, including manufactured homes, within the floodplain area, unless a permit has been obtained from the Code Enforcement Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Code Enforcement Officer prior to any development.

**ARTICLE II  
Definitions**

**§ 80-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BASE FLOOD** – The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood.

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**BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – a manufactured home

park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed, including, at a minimum, the installation of site grading or the pouring of concrete pads, is completed before the effective date of this chapter.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – The preparation of additional sites by the construction of facilities for servicing the lot on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

**FLOOD** – A general and temporary inundation of normally dry land areas.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**HISTORIC STRUCTURE** – Any structure that is:

- A. Listed individually in the National Register of Historic Places, a listing maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

§ 80-3 (1) By an approved state program as determined by the Secretary of the Interior.  
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- (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** – The lowest floor of the lowest enclosed area, including basement. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION – Structures for which the start of construction as herein defined commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures.<sup>1</sup>

NEW MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets and either final grading or the pouring of concrete pads, is completed on or after the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD – A flood that has one (1) chance in one hundred (100) or a one-percent chance of being equaled or exceeded in any given year.

PERSON – Any natural person or group of natural persons, corporation, partnership, association or other entity, including state and local governments and agencies.

PRINCIPALLY ABOVE GROUND – Where at least fifty-one percent (51%) of the actual cash value of a structure, less land value, is located above ground.

RECREATIONAL VEHICLE – A vehicle which:

- A. Is built on a single chassis.
- B. Contains four hundred (400) square feet or less when measured at the largest horizontal projection.
- C. Is designed to be self-propelled or permanently towable by a light-duty truck.
- D. Is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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<sup>1</sup> Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**START OF CONSTRUCTION** – For other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. Law 97-348, includes substantial improvements, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

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- A. Any project for improvement of a structure to correct existing violations of a state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

ARTICLE III

## **Establishment of Floodplain Area**

### **§ 80-4. Identification of floodplain area.**

The identified floodplain area shall be those areas of the Town of Laurel which are subject to the one-hundred-year flood, as shown on the Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for the town by the Federal Emergency Management Agency (FEMA) dated January 16, 1982, or the most recent revision thereof.

### **§ 80-5. Description of floodplain areas.**

The identified floodplain areas shall consist of the following two (2) specific areas:

- A. The AE Area shall be those areas identified as an AE Zone on the FIRM include din the FIS prepared by FEMA and for which one-hundred-year-flood elevations have been provided in the FIS.
  
- B. The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-hundred-year-flood elevations have been provided. For these areas, elevation and floodway information from federal, state or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The Code Enforcement Officer may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and other data shall be submitted in sufficient detail to allow a thorough technical review.

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### **§ 80-6. Changes in designation of area.**

The delineation of the identified floodplain area may be revised where natural or man-made changes have occurred or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

### **§ 80-7. Boundary disputes.**

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Code Enforcement Officer, and any party aggrieved by this decision may appeal to the Board of Adjustment. The burden of proof shall be on the appellant.

**ARTICLE IV  
Utilization of the Floodplain Area**

**§ 80-8. Use of floodplain area.**

- A. In the floodplain area any development or use of land may be permitted, provided that all such uses, activities or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.
- B. Within any floodway area, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the base flood elevation.
- C. Within any AE Area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year-flood more than one (1) foot at any point. This requirement can be satisfied by utilization of the floodway area where determined.
- D. Whenever a developer intends to alter or relocate a watercourse within the floodplain area, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the

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Federal Insurance Administrator. The developer shall also assure the Code Enforcement Officer in writing that the flood-carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

**ARTICLE V  
Criteria for Building and Site Plan Approval**

**§ 80-9. Building permits required.**

Building permits are required in order to determine whether new construction or substantial

improvements are:

- A. Designed or are to be modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Constructed with materials and utility equipment resistant to flood damage.
- C. Constructed by methods and practices that minimize flood damage.
- D. Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**§ 80-10. Basic format of permit.**

The basic format of the building permit shall include the following:

- A. The name and address of applicant.
- B. The name and address of owner of land on which proposed construction is to occur.
- C. The name and address of the contractor.
- D. The site location.
- E. A brief description of the proposed work and estimated cost.

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- F. A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.

**§ 80-11. Elevation and floodproofing information.**

Depending on the type of structure involved, the following information shall also be included in the application for work within the floodplain area:

- A. For structures to be elevated to the base flood elevation:
  - (1) A plan showing the size of the proposed structure and its relation to the lot

where it is to be constructed.

- (2) A determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a registered professional engineer, surveyor or architect.
- (3) Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures and other data. When required by the Code Enforcement Officer, these plans shall be prepared by a registered professional engineer or architect.
- (4) Plans showing the methods used to protect utilities, including sewer, water, telephone, electric, gas and other utilities, from flooding to the base flood elevation at the building site.

B. For nonresidential structures to be floodproofed to the base flood elevation:

- (1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relating to the lot where it is to be constructed.
- (2) A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits; certified by a registered professional engineer, surveyor or architect.
- (3) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection B(1) above, that the structure in question, together with the attendant utility and sanitary facilities, is designed so that:

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- (a) Below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
- (b) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

**§ 80-12. Site plan criteria.**

The owner or developer of any proposed subdivision, manufactured home park or

subdivision or other development shall submit a site plan to the Code Enforcement Officer which includes the following information:

- A. Name of engineer, surveyor or other qualified person responsible for providing the information required in this action.
- B. A map showing the location of the proposed subdivision or development with respect to the municipality's floodplain areas, proposed lots and sites, fills, floods or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.
- C. Where the subdivision or development lies partially or completely in the floodplain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the floodplain areas.

ARTICLE VI  
Special Requirements

**§ 80-13. Design and construction standards.**

In order to prevent excessive damage to buildings, structures and related utilities and facilities, the following restrictions apply to all development, subdivision proposals, manufactured home parks, new construction and to construction of substantial improvements to existing structures occurring in the floodplain area.

A. Basements and lowest floors.  
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- (1) All new construction and substantial improvements of residential structures must have the lowest floor, including basements, elevated to or above the base flood elevation.
- (2) All new construction and substantial improvements of nonresidential structures must have the lowest floor, including basements, elevated to or above the basic flood elevation; or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is floodproofed in accordance with § 80-11B, Article V. of this chapter.

- (3) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a total net area of not less than (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one(1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Manufactured home placement.

- (1) Manufactured homes to be placed or substantially improved within any floodplain areas on sites outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage, as defined herein, as the result of a flood shall:

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- (a) Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation.
  - (b) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved within any flood plain area in an existing manufactured home park or subdivision and not subject to the provisions of the subsection above shall be elevated so that either:

- (a) The lowest floor of the manufactured home is at or above the base flood elevation; or
- (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

C. Recreational vehicle placement. Recreational vehicles to be placed within floodplain area shall either be on the site for fewer than one hundred eighty (180) consecutive days in any calendar year and be fully licensed and ready for highway use or meet the provisions of § 80-13B(1), Article VI, of this chapter. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

D. Fill. If fill is used to raise the finished surfaces of the lowest floor to the base flood elevation:

- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five percent (25%) of the perimeter of a nonresidential structure.
- (2) Fill shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.

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- (3) Fill materials shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
- (4) Fill slopes shall be no steeper than one (1) vertical or two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Code Enforcement Officer.
- (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

E. Placement of buildings. All buildings and structure shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of floodwater.

F. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

(2) All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to resist flotation.

(3) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement.

(a) Methods of anchoring may include but are not limited to the over-the-top and frame ties to ground anchors such as the following:

(1) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side for manufactured homes less than fifty (50) feet long.

(2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

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(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to a manufactured home shall be similarly anchored.

(b) This requirement is in addition to applicable state and local anchoring

requirements for resisting wind forces.

- G. Storage. No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life shall be stored below base flood elevation.
- H. Utility and facility requirements.
  - (1) All new or replacement water systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
  - (2) All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
  - (3) All other new or replacement public or private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.
  - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- I. Drainage. Adequate drainage shall be provided to reduce exposure to flood hazard.

**§ 80-14. Building permits and site plan approvals required.**

It shall be unlawful for any person to undertake or cause to be undertaken any development or the new construction, substantial improvement, the placement or relocation of any structure, including manufactured homes, within the floodplain area, unless a permit has been obtained from the Code Enforcement Officer. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to and approved by the Code Enforcement Officer prior to any development.

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**§ 80-15. Approval of permits and plans.**

- A. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements and all applicable codes and ordinances of the town.
- B. The Code Enforcement Officer shall require copies of all necessary permits obtained from governmental agencies from which approval is required by federal and state law

to be submitted to him.

C. A copy of all copies shall be kept by the Code Enforcement Officer.

**§ 80-16. Application procedures.**

Application for a building permit and site plan approvals shall be made in writing to the Code Enforcement Officer and shall include all information required under Article V of this chapter.

**§ 80-17. Changes to applications or plans.**

After the issuance of a building permit or site plan approval by the Code Enforcement Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Code Enforcement Officer.

**§ 80-18. Placards.**

In addition to the building permit, the Code Enforcement Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Code Enforcement Officer.

**§ 80-19. Start of construction.**

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Code Enforcement Officer.

**§ 80-20. Inspection; revocation of permit.**

During the construction period, the Code Enforcement Officer or his designated representative may inspect the premises to determine that the work is progressing in compliance with

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the information provided on the permit application and with all applicable laws and ordinances. In the event that the Code Enforcement Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been false statement or misrepresentation by an applicant, the Code Enforcement Officer shall revoke the building permit and report such fact to the Town Manager for whatever action is considered necessary.

**§ 80-21. Application fees.**

Application for a building permit shall be accompanied by a fee, established from time to time by the Town Council and based on the estimated cost of construction as determined by the Code Enforcement Officer.

**ARTICLE VIII**  
**Appeals and Penalties**

**§ 80-22. Appeals.<sup>2</sup>**

Whenever any person is aggrieved by a decision of the Code Enforcement Officer with respect to the provisions of this chapter, it is the right of that person to appeal to the zoning Board of Adjustment. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Code Enforcement Officer. Upon receipt of such appeal, the Appeals Authority shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing shall be given to all parties at which time they may appear and be heard. The determination by the Appeals Authority shall be final in all cases.

**§ 80-23. Appeal review criteria.**

All decisions on appeals shall comply to the following criteria:

A. No decision of a Code Enforcement Officer shall be overturned by the Board of Adjustment unless the appellant shows:

A. A good and sufficient cause.

B. A determination that failure to grant the appeal would result in unnecessary hardship to the applicant.

C. A determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public

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expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinance.

B. Any decision shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. Any decision shall be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. The Board of Adjustment shall notify the applicant in writing that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance and such construction below the base flood elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions required in this section.
- E. The Board of Adjustment shall maintain a record of all decisions including justification for their issuance and report such decisions issued in its biennial report submitted to the Federal Insurance Administration.
- F. No decision shall be granted for any construction, development, use or activity within the floodway area that would cause any increase in the base flood elevation.

**§ 80-24. Violations and penalties.<sup>3</sup>**

Any person who fails to comply with any or all of the requirements or provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall pay a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or be imprisoned for thirty (30) days, or both, and shall pay the costs of prosecution. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance with this chapter or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter are hereby declared to be a public nuisance.

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FLOODPLAIN MANAGEMENT

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ARTICLE IX  
**Municipal Liability**

**§ 80-25. Municipal liability.**

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<sup>3</sup> Editor's Note: Amended at time of Code; see Ch. 1, General Provisions, Art. I.

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area shall not constitute a representation, guaranty or warranty of any kind by the Town of Laurel or by an official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the town nor upon its officers, agents, servants or employees.