

Chapter 33

PLANNING COMMISSION

- § 33-1. Commission established.
- § 33-2. Membership; terms of office.
- § 33-3. Ex officio members.
- § 33-4. Removal from office; filling of vacancies.
- § 33-5. Compensation.
- § 33-6. Election of Chairman and Secretary.
- § 33-7. Meetings.
- § 33-8. Authority; duties.

[HISTORY: Adopted by the Town Council of the Town of Laurel 9-21-1992 as Ord. No. 363. Amendments noted where applicable.]

§ 33-1. Commission established.

There is hereby established the Town of Laurel Planning Commission.

§ 33-2. Membership; terms of office.

The Town of Laurel Planning Commission shall consist of seven (7) members to be appointed by the Mayor subject to confirmation by a majority of the elected members of the Town Council. Each member of the Planning Commission shall serve for a term of three (3) years from the date of his appointment; provided, however, that the members of the Planning Commission first appointed pursuant to this chapter shall serve as follows: two (2) members shall be appointed for a term to expire at the Organizational Meeting in 1993, two (2) members shall be appointed for a term to expire at the Organizational Meeting in 1994 and three (3) members shall be appointed for a term to expire at the Organizational Meeting in 1995.

§ 33-3. Ex officio members.

The Mayor and the Town Manager shall be ex officio members of the Planning Commission. An ex officio member may exercise all the powers of the regular members of the Planning

Commission, but shall not vote nor have authority to make motions nor to second motions which are made by other members of the Planning Commission. No ex officio member shall have nor hold an office on the Planning Commission.

§ 33-4. Removal from office; filling of vacancies.

Any member of the Planning Commission may be removed for cause by the Mayor with the approval of a majority of the elected members of the Town Council after a public hearing. Vacancies other than by expiration of term shall be filled for the unexpired term by the Mayor, subject to confirmation by a majority of the elected members of the Town Council.

§ 33-5. Compensation.

All members of the Planning Commission shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

§ 33-6. Election of Chairman and Secretary.

The Planning Commission shall annually elect a Chairman and a Secretary from among its members and may employ experts, clerks and such other assistance as its fiscal appropriation shall permit. The Planning Commission may also appoint a custodian of its plans and records who may be the Town Manager.

§ 33-7. Meetings.

The Planning Commission shall make its own rules of procedure and determine the times of its meetings. All meetings of the Planning Commission shall be open to the public unless an executive session is permitted pursuant to the provisions of Chapter 100, Title 29, Del. C. All records of the Planning Commission shall be considered to be public records unless otherwise permitted by Chapter 100, Title 29, Del. C.

§ 33-8. Authority; duties.

The Planning Commission shall have the authority vested in municipal planning commissions by Chapter 7, Title 22, Del. C. as amended, or as hereafter may be amended and shall perform the duties therein set forth whether or not such authority or duties are expressly referred to herein.

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SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the Town of Laurel are set forth from time to time by ordinance of the Town Council. Information concerning current salary and compensation figures is on file in the town offices where it is available for examination during regular office hours.]

Chapter 41

VOTING

- § 41-1. Casting of ballot permitted.
- § 41-2. Affidavit required.
- § 41-3. Request for ballot.
- § 41-4. Mailing of official ballot by Town Manager.
- § 41-5. Affidavit form.
- § 41-6. Procedure by voter upon receiving ballot.
- § 41-7. Ballot received after required time.
- § 41-8. Procedure by officials upon receiving ballot.
- § 41-9. Special carrier envelopes.
- § 41-10. Delivery of ballot to Board of Elections.
- § 41-11. Refusal of ballot by Board of Elections.
- § 41-12. Procedure by inspector upon receiving ballot.
- § 41-13. Vote challenged.
- § 41-14. Rejection of vote; death of voter.
- § 41-15. Register of absentee voters.
- § 41-16. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of Laurel 11-19-1984 as Ord. No. 360. Amendments noted where applicable.]

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§ 41-1. Casting of ballot permitted.

Any qualified voter of the Town of Laurel who shall be unable to appear to cast his ballot at

any general municipal election at the regular polling place in the Town of Laurel, either because of being in the public service of the United States or of this state, or because he will be unavoidably absent from the Town of Laurel on the day of the general municipal election, or because of his sickness or physical disability, may cast an absentee ballot at such general municipal election, to be counted in the total votes cast in the Town of Laurel.

§ 41-2. Affidavit required.

Any voter desiring to obtain an absentee ballot because of sickness or physical disability shall cause an affidavit to be filed with the Town Manager of the Town of Laurel, subscribed and sworn to before an officer authorized by law to administer oaths, by a person authorized to practice medicine or surgery under the laws of this state, and dated not more than thirty (30) days prior to the next ensuing general municipal election, to the effect that such voter is unable to go to the polling place in the Town of Laurel at the forthcoming general municipal election because of sickness or physical disability or that the sickness or physical disability of such voter will make it dangerous to the life or health of such voter to go to the polling place in the Town of Laurel at the forthcoming general municipal election. Such affidavit shall be filed with the Town Manager of the Town of Laurel before he shall mail or deliver to the voter the official ballot, envelopes or instructions as provided in this chapter. Any voter desiring to receive an absentee ballot because of his business or occupation shall cause an affidavit to be filed with the Town Manager of the Town of Laurel, subscribed and sworn to before an officer authorized by law to administer oath, by his employer if any, or by the voter himself, if he is self-employed, and dated not more than thirty (30) days prior to the next ensuing general municipal election, stating the nature of his business or occupation, the reason why he cannot be in the Town of Laurel on the day of the general municipal election, his expected location, including his address and telephone number, to be used for the purpose of challenge on election day, and the reason why he cannot and will not be present in the Town of Laurel on the day of the general municipal election. Such affidavit shall be filed with the Town Manger of the Town of Laurel before he shall mail or deliver to such voter the official ballot, envelopes or instructions as provided in this chapter.

§ 41-3. Request for ballot.

Any voter who is qualified under § 41-1 of this chapter to vote by absentee ballot and who desires to do so shall, not later than 12:00 noon local time on the second Tuesday in March of the year of any general municipal election, make a request to the Town Manager for an official ballot to be voted at such general municipal election. Such request, subject to the provisions of § 41-7, may be made by anyone on behalf of such voter, and such request shall be made to the Town Manager of

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the Town of Laurel, and the Town Manager shall act upon such request.

§ 41-4. Mailing of official ballot by Town Manager.

Upon receipt of a request from a voter, together with an affidavit, if required by the provisions of § 41-2 of this chapter, the Town Manager of the Town of Laurel, not more than thirty (30) days nor later than Friday immediately preceding the general municipal election and within three (3) days after the ballots, envelopes and instructions for absentee voters become available, shall mail to the voter, postage prepaid, an official ballot enclosed in an official envelope along with a voucher envelope marked "Voucher Envelope," a copy of the instructions to absentee voters and a carrier envelope marked "Carrier Envelope."

§ 41-5. Affidavit form.

There shall be printed on the face of each voucher envelope an affidavit in substantially the following form:

"I do solemnly swear (affirm) that I am a resident of the Town of Laurel and have resided there at least _____ years preceding the day of the general municipal election at which this ballot is to be voted; that my local address is _____, in Laurel."

"That I will be absent from the Town of Laurel on the day of the general municipal election because of () being in the Armed Services of the United States, () public services of the state, () nature of my business of occupation, () sickness or physical disability, () unavoidably absent from the Town, and for the reason indicated, I cannot appear at the polling place of the Town of Laurel in which I am a qualified voter. I further swear (affirm) that I marked my ballot in secret."

"

I

_____, do solemnly swear (affirm), that I have not received or accepted or am not offered to receive or accept, paid or transferred or delivered or offered or promised to pay, transfer or deliver or contributed or offered to promise to contribute to another to be paid or used any money or other valuable things such as compensation, inducement or reward for the giving or withholding of a vote at this general municipal election."

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Write Name Here
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Print Name Here

"Subscribed and sworn (affirmed) before me this _____ day of _____, A.D., _____; and I hereby certify that the affiant did in such manner that I could not

see his ballot or mark such ballot and that the affiant was not solicited or advised by me to vote for or against any candidate.”

Notary Public

§ 41-6. Procedure by vote upon receiving ballot.

The absentee voter shall make and subscribe to the affidavit printed on the voucher envelope before an officer authorized by law to administer oaths, and such voter shall thereupon in the presence of such officer and of no other person mark such ballot, but in such manner that the officer cannot know how the ballot is marked, the and ballot shall then and in the presence of the officer be deposited by the voter in the official envelope. The official envelope containing the ballot shall then be deposited in the voucher envelope, and the voucher envelope shall be securely sealed by the voter. Thereupon, the voucher envelope containing the marked ballot shall be enclosed in the carrier envelope received by the voter from the Town Manager, and after the voter has enclosed the voucher envelope containing the marked ballot in the carrier envelope, he shall securely seal the carrier envelope and mail it postage prepaid to the Town of Laurel, or if more convenient, it may be delivered to the Town Manager of the Town of Laurel before 12:00 noon on the day before the election and not thereafter.

§ 41-7. Ballot received after required time.

The absentee voter shall return his marked ballot enclosed in the voucher envelope to the Town Manager of the Town of Laurel before 12:00 noon on the day before election, and any absentee ballot received by the Town Manager of the Town of Laurel after 12:00 noon on the day before election shall not be forwarded to the Board of Election, but the Town Manager shall endorse on the voucher envelope containing such ballot, the time such was received and shall retain all such envelopes unopened and so endorsed until the last day of March next after the general municipal election and longer if directed to do so by proper authority. No absentee ballot received after 12:00 noon on the day immediately preceding the date of the general municipal election shall be counted.

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§ 41-8. Procedure by officials upon receiving ballot.

Upon receipt of the carrier envelope from the absentee voter, the Town Manager of the Town of Laurel shall open the carrier envelope and shall take therefrom the voucher envelope containing the ballot of the absentee voter. Neither the Mayor nor any member of the Town Council of the Town of Laurel nor any other person shall open or attempt to open the enclosed voucher envelope containing the ballot of the absentee voter or to change or alter, or attempt to do so, the envelope or any writing, printing or anything whatsoever thereon. The Town Manager shall forthwith enclose

the voucher envelope as received by him and unopened in a special carrier envelope, the Town Manager having first written his usual signature on the special carrier envelope. The Town Manager shall forthwith securely seal the special carrier envelope, and, in ink, the Town Manager shall write his full name thereon in the proper place as indicated in this chapter and shall safely keep the same in his office until delivered as required in this chapter.

§ 41-9. Special carrier envelopes.

The special carrier envelope in which the absentee ballots are placed when returned by the absentee voters shall have printed thereon the following:

**“ABSENTEE VOTER BALLOT
FOR THE TOWN OF LAUREL”**

“This envelope contains an absentee voter’s ballot and shall be opened only at the polls of the Town of Laurel on the day of the general municipal election while said polls are open. This envelope and the enclosed voucher envelope shall be preserved by the Board of Election and at the close of the count shall be deposited in the box into which the ballots have been placed when read and returned therewith.”

THE TOWN OF LAUREL

By _____
Town Manager

§ 41-10. Delivery of ballot to Board of Election.

When an absentee voter’s ballot is received by the Town Manager, the voucher envelope containing the marked ballot, sealed in the special carrier envelope of the Town of Laurel, shall be enclosed and sealed in a package and safely kept in his office until the day of the election and delivered unto the Board of Election after the opening of the polls on the election and at least one (1) hour before the closing of the polls. The Town Manager shall deliver all such absentee voters’ ballots separately enclosed in a special carrier envelope to the Board of Election at the polls taking

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the receipt of the Board of Election for the delivery of such a ballot or ballots.

§ 41-11. Refusal of ballot by Board of Elections.

The Board of Election shall refuse to receive any absentee voter’s ballot from any person other than the Town Manager or a duly authorized agent of the Town Manager and none other than those ballots enclosed in the sealed package delivered by the Town Manager or his duly authorized agent to the Board of Election and shall refuse to receive and act upon any such ballot that is not enclosed in an envelope bearing the signature, in ink, of the Town Manager as required by § 41-8 of this chapter.

§ 41-12. Procedure by inspector upon receiving ballot.

At any time between the opening and closing of the polls on the day of the general municipal election, the inspector shall open the outer or carrier envelope only and ascertain the name of the absentee voter as appears by the executed affidavit of the absentee voter on the voucher envelope enclosing the marked ballot; whereupon he shall announce the absentee voter's name for the purpose of challenging and upon the determination that such person is a duly qualified voter of the Town of Laurel and that such voter has not voted in person at the general municipal election. He shall open the voucher envelope containing such absentee voter's ballot in such a manner as not to deface or destroy the number thereof or the affidavit thereon and take therefrom the official envelope containing the marked ballot and, without opening or permitting the official envelope to be opened or the contents examined, shall cause the two (2) Judges of Election to write their names on the official envelope, and the Clerk shall enter the name and address of the absentee voter on the poll list. The ballot shall then be voted by depositing the same (still in its official envelope) in the ballot box provided for receipt of absentee ballots, and the proper notations of such vote shall then be recorded in the election records in the same manner as if the voter had appeared to cast his vote in person. All voucher envelopes from which ballots have been taken and voted, and all voucher envelopes containing ballots which have been rejected or endorsed as provided in § 41-14 of this chapter, shall be preserved by the Board of Election and, at the close of the count, shall be placed in the ballot box.

§ 41-13. Vote challenged.

The vote of any absentee voter may be challenged for cause, and further, the vote of any absentee voter may be challenged on the ground that the affidavit filed by the vote in accordance with § 41-2 of this chapter is false and, in the case of a voter who was allegedly absent from the Town of Laurel because of his business or occupation, on the ground that he was not absent from the Town of Laurel for the entire time that the polls were open on the day of the general municipal election. Upon challenge, proceedings shall be as in the case of other challenges.

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§ 41-14. Rejection of vote; death of voter.

In case the affidavit of the absentee voter is found to be insufficient or the absentee voter is not a duly qualified voter of the Town of Laurel or the voucher envelope is open or has been opened and resealed or it is evident that the voucher envelope has been tampered with or altered or such ballot has been forwarded to the polls by someone other than the Town Manager of the Town of Laurel, such vote shall not be accepted or counted. If the voucher envelope has not been opened at the time the Board of Election decides that the altered ballot contained therein should be rejected for any of the foregoing reasons, it shall not be opened by the Board of Election, but they shall endorse thereon "rejected" (giving reason therefor) and the ballot rejected; the official envelope containing the ballot shall be replaced in the same voucher envelope from which it was taken and the election officers shall endorse on the voucher envelope "rejected" (giving reason therefor). Whenever it is made to appear by due proof to the Board of Election that any absentee voter who has marked and

forwarded his ballot has died, the voucher envelope containing the ballot shall not be opened, but shall be marked “rejected, dead” and shall be preserved and disposed of as other rejected ballots.

§ 41-15. Register of absentee voters.

The Town Council of Laurel shall cause to be provided a register of absentee voters, providing for the following entries.

Request received from _____ of _____, by mail
_____ in person _____ on
_____ ; ballot and voucher envelope under _____ mailed
to applicant on _____ or ballot and voucher envelope delivered to
_____ of _____ on
_____ ; marked ballot sealed in package of official ballots
_____ ; marked ballot forwarded to polls _____ ;

and such other entries as the Town Council of the Town of Laurel shall deem proper to prevent fraud and to make possible the tracing and detection of any attempt to do so. The Town Council of the Town of Laurel shall also provide a space in the register and shall note therein the date on which it receives the affidavit of a person authorized to practice medicine or surgery under the laws of this state as to the sickness or physical disability of any voter of the Town of Laurel and the name of such affiant. The Town Manager of the Town of Laurel shall compile from the register a list of the names and addresses of all applicants for absentee ballot and shall send current and complete copies thereof, without cost, to all candidates on the ballots in the forthcoming election. Such list shall be provided two (2) weeks prior to the date of the general municipal election. Comparable information from the register shall also be made available to the candidates during the remaining two (2) weeks before the general municipal election, such information to be recorded by the candidates from the daily records of the Town Manager, with the cooperation and assistance of the Town Manager.

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§ 41-16. Violations and penalties.

- A. Whoever willfully makes a false affidavit under the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), and shall pay the costs of prosecution.

- B. Whoever, other than the Board of Election, on the day of the general municipal election and at the polls, opens or attempts to open any sealed voucher or carrier envelope or whoever prints or causes to be printed in the envelope identical or purportedly similar to the voucher envelope or either carrier envelope, other than the printing of such envelopes by the official printer selected by the Town Council of the Town of Laurel for the printing of such envelopes pursuant to the provisions of this chapter, or whoever aids or abets or attempts to aid or abet any fraud in connection

with any vote cast or to be cast, under the provisions of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty (\$50) dollars nor more than one hundred dollars (\$100), and shall pay the costs of prosecution.

- C. Whoever fraudulently signs the name of a voter to the affidavit on any voucher or envelope or of the town manager of the Town of Laurel on any carrier envelope provided for by this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50), nor more than one hundred dollars (\$100), and shall pay the costs of prosecution.
- D. Whoever, being a member of the Board of Election or other public official of the Town of Laurel, knowingly violates any of the provisions of this chapter and thereby aids in any way the illegal casting of a vote or attempting to cast a vote or whoever connives to nullify any provision of this chapter in order that fraud may be perpetrated shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than seventy-five dollars (\$75) nor more than one hundred dollars (\$100), and shall pay the costs of prosecution.

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Chapter 49

ANIMALS

ARTICLE I

Loud Animals

- § 49-1. Definition.**
- § 49-2. Keeping of loud animal a nuisance.**
- § 49-3. Keeping of loud animal prohibited.**
- § 49-4. Violations and penalties.**

[HISTORY: Adopted by the Town Council of the Town of Laurel as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Loud Animals**

[Adopted 7-23-1979 by Ord. No. 160]

§ 49-1. Definition.

For the purposes of this article, the word “animal” shall include any and all types of animals, both domesticated and tame, male and female, except man.

§ 49-2. Keeping of loud animal a nuisance.

The keeping of any animal which, by causing frequent or loud, continued noise, shall disturb the reasonable comfort or repose of any person in the vicinity of the property on which the animal is kept be and the same is hereby declared to be a public nuisance.

§ 49-3. Keeping of loud animal prohibited.

No person, firm or corporation shall keep nor cause to be kept any animal which, by causing frequent or loud, continued noise, shall disturb the reasonable comfort or repose of any person in the
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vicinity of the property on which the animal is being kept.

§ 49-4. Violations and penalties. [Amended 2-15-1982 by Ord. No. 160]

- A. Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 nor more than \$500 or imprisoned for 30 days, or both, and shall pay the costs of prosecution. **[Amended 6-3-1996 by Ord. No. 1000]**
- B. For the purposes of this article, each day that a violation of this article continues shall be deemed to be a separate offense.

**ARTICLE II
Dogs at Large**

[Adopted 4-24-1984 by Ord. No. 162]

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§ 49-5. Running at large prohibited.

No owner or custodian of any dog shall permit any dog owned or maintained by him or her of which he or she is the custodian to run at large within the corporate limits of the Town of Laurel.

§ 49-6. Dogs to be restrained.

Any person who is the owner, custodian or who has control of any dog within the Town of Laurel at all times shall keep such dog either:

- A. Confined within an enclosure from which it cannot escape.
- B. Firmly secured by means of a collar, chain or other device so that it cannot stray from the premises on which it is secured.
- C. Under the reasonable control of some person by a leash.

§ 49-7. Owner to control dog.

No person who is the owner or who has control of any dog shall suffer or permit such dog to run at large anywhere within the Town of Laurel.

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§ 49-8. Apprehension of dogs.

Any employee of Mayor and Council of Laurel may apprehend any dog running at large contrary to the provisions of this article.

§ 49-9. Records to be kept.

Records of each dog apprehended and impounded shall be kept. The record as kept and maintained shall include for each dog apprehended and impounded the time, date and place of apprehending and impounding, the breed, if ascertainable, the color, the sex, the number of the state dog tag, if any, the final disposition, and the date of disposition.

§ 49-10. Impoundment.

Any dog found running at large contrary to the provisions of this article may be delivered to the Society for the Prevention of Cruelty to Animals or to the Board of Game and Fish

[Type text]

Commissioners¹ of the State of Delaware or agent thereof, for impounding and disposal under the rules and regulations adopted by it.

§ 49-11. Violations and penalties. [Amended 6-3-1996 by Ord. No. 1000]

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 and not more than \$500 or imprisoned for 30 days, or both, and shall pay the costs of prosecution.

ARTICLE III
Dangerous Animals
[Adopted 4-3-1995 by Ord. No. 365]

§ 49-12. Prohibition.

It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the Town of Laurel any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities, including, but not limited to, those specifically enumerated in § 49-13 hereof.

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§ 49-13. Classification. (AMENDED ON 10/16/23)

It shall be unlawful for any person to keep, maintain or have in his possession or under his or her control within the Town of Laurel any of the following animals:

- A. All poisonous animals, including rear-fang snakes.
- B. Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- C. Baboons (Papoi, Mandrillus).
- D. Bears (Ursidae).
- E. Bison (Bison).
- F. Cheetahs (Acinonyx jubatus).

- G. Constrictor snakes, six feet in length or more.
- H. Coyotes (*Canis latrans*).
- I. Crocodilians (*Crocodylia*), 30 inches in length or more.
- J. Deer (*Cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- K. Elephants (*Elephas* and *Loxodonta*).
- L. Game cocks, other fighting birds, and fowl, to include but not limited to poultry such as chickens, turkeys, game birds such as pheasants, or partridges, other wildfowl like guineafowl or peafowl, and waterfowl such as ducks or geese.
- M. Hippopotami (*Hippopotamidae*).
- N. Hyenas (*Hyaenidae*).
- O. Jaguars (*Panthera onca*).
- P. Leopards (*Panthera pardus*).
- Q. Lions (*Panthera leo*).

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- R. Lynxes (*Lynx*).
- S. Monkeys, old world (*Cercopithecidae*).
- T. Ostriches (*Struthio*).
- U. Piranha fish (*Characidae*).
- V. Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
- W. Rhinoceroses (*Rhinocero tidae*).
- X. Sharks (class *Chondrichtyes*).
- Y. Snow leopards (*Panthera uncia*).
- Z. Swine (*Suidae*).

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AA. Tigers (*Panthera tigris*).

BB. Wolves (*Canis lupus*).

§ 49-14. Exceptions.

The provisions of §§ 49-12 and 43-13 shall not apply to licensed pet shops, menageries, zoological gardens and circuses, in the following circumstances.

A. If their location conforms to the provisions of the Zoning Ordinance of the Town of Laurel.²

B. To the possession and raising of Historical Certified Blue Hen Chickens, provided that the flock will not exceed 12 chickens at any time. **[Added 7-17-1995 by Ord. No. 365]**

C. If all animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

D. If animals are maintained in quarters so constructed as to prevent their escape.
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E. If no person lives or resides within 100 feet of the quarters in which the animals are kept.

§ 49-15. Violations and penalties.

Any person, firm or corporation violating any provision of this article shall be fined not less than \$50 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues, or imprisoned for a period of not more than 30 days, or both, and shall also pay the costs of prosecution.

ARTICLE IV

Waterfowl

[Adopted 11-6-2000 by Ord. No. 369]

§ 49-16. Prohibitions.

A. It shall be unlawful for anyone to provide food for waterfowl located on lands owned by the Town of Laurel or the Division of Fish and Wildlife of the State of Delaware

within the corporate limits of the Town of Laurel.

- B. No person shall feed, cause or permit to be fed, or provide food for domestic or migratory waterfowl in the lands described in Subsection A hereof.
- C. No person shall create or foster a condition or allow any condition to exist and continue which results in the congregation or congestion of domestic or migratory waterfowl on the lands described in Subsection A hereof.
- D. Bird feeders shall be installed in a manner that does not encourage waterfowl to congregate on the lands described in Subsection A hereof.

§ 49-17. Town responsibilities.

- A. The town shall also provide signs and/or take other means to inform the public about the prohibitions regarding the feeding of waterfowl as so stated.
- B. The town shall take reasonable actions to discourage or otherwise rid the town of waterfowl pests on an as-needed basis as determined by the Town Council.

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§ 49-18. Violations and penalties.

Any person or persons who shall violate the prohibitions of this article shall be fined not less than \$100 nor more than \$500 for each offense. Each incident or each day that such an offense continues or reoccurs shall be deemed a separate offense.

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BRUSH, GRASS AND WEEDS

Chapter 55

BRUSH, GRASS AND WEEDS

- § 55-1. Purpose.**
- § 55-2. Definitions.**
- § 55-3. Cutting or removal of weeds required.**
- § 55-4. Maintenance of curbs, gutters and sidewalks.**
- § 55-5. Notice.**
- § 55-6. Authority of Town to cut, clean, remove, and/or dispose of grass, weeds, and/or other vegetation.**
- § 55-7. Collection of fees.**
- § 55-8. Payment.**

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§ 55-9. Recorded statement constitutes lien.

§ 55-10. Additional penalties.

§ 55-11. Severability.

§ 55-12. Appeals.

[HISTORY: Adopted by the Town Council of the Town of Laurel 12-17.2001.¹ ; amended in its entirety 4-5-2004 by Ord. No. 2004-5. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance - See Ch. 114.

Rental property registration - See Ch. 118, Art. I.

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BRUSH, GRASS AND WEEDS

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§ 55-1. Purpose.

It has been determined by the Council of the Town of Laurel that when owners of real property fail or refuse to correct certain conditions then the Town, in addition to all other powers it has, shall have the power to correct the conditions and assess the costs and, when appropriate, expenses incident thereto as a tax against the property. Specifically, it has been determined that grass, weeds, or vegetation growing over the height of six inches, or grass, weeds or other plants growing through, onto, or over such sidewalks, walkways or driveways on property in the Town of Laurel, create or tend to create a danger to public health, safety and welfare. The purpose, then, of this chapter is to establish a process/procedure whereby the Town of Laurel may correct certain conditions that violate the law, can assess costs, can lien property and can establish a special account to pay the costs.

§ 55-2. Definitions.

For purposes of this chapter, the following words shall have the meaning given herein:

AGRICULTURAL PRODUCTION – The cultivation of land or similar agrarian activity.

CALENDAR YEAR – January 1 though December 31.

DAYS – As used in this chapter, all days are calendar days.

OWNER – Any person, firm, conservator, receiver or officer who owns, holds or controls the whole, or any part of the freehold title (control of the freehold title is not intended to mean a tenant under any type of written or oral tenancy), to any real property, including, but not limited to, vacant land, buildings, dwelling units, commercial real property, etc. with or without accompanying actual possession thereof, and shall include, in addition to the holder of legal title, any vendee in possession thereof, but shall not include a mortgagee or trustee, under deed or trust, unless such mortgagee or trustee is in actual possession.

WEEDS – All grasses and vegetation other than trees and shrubs, excluding, however, cultivated flowers and gardens and vegetation cultivated for agriculture purposes.

§ 55-3. Cutting or removal of weeds required.

Every owner of any area, lot or parcel of land shall cut, trim or otherwise remove or cause to be removed all weeds, grass, brush or vegetation more than six inches in height on any lot within the Town of Laurel unless said property is in agriculture production.

5502

§ 55-4

BRUSH, GRASS AND WEEDS

§ 55-5

§ 55-4. Maintenance of curbs, gutters and sidewalks. (Amended 2-3-20)

Every owner of any area, lot or parcel of land in the Town of Laurel shall maintain his or her respective curbs, gutters and sidewalks bordering his or her parcels of land in such condition as to be clear of all growth and cuttings of grass, weeds, brush or vegetation within the curbs, gutters or sidewalks. When a specific portion of any sidewalk or driveway has a planted meridian, such areas shall be kept tidy and trim with any grass, weeds or vegetation cut to six inches. Cultivated flowers and similar plants are an exception to this rule.

(B.) Drainage of roofs and paved areas, yards and courts, gutters, and other open areas on the premises shall be not be discharged in such a manner that creates a public nuisance.

§ 55-5. Notice. (Amended 4-5-04, 7-20-09, 9-16-13, & 6-4-18)

A. The Town of Laurel Code Enforcement Officer is hereby authorized to notify **in writing via mail (Certificate of Mailing)** the owner of the property, as determined by the official tax rolls of the Town of Laurel, to cut, remove and destroy such grass and weeds, and/or remove and dispose of growing grass, cuttings, and other plants growing through, onto or over such sidewalks, driveways **or streets** from the subject property within **SEVEN (7)** calendar days from **mailing of said notice**.

B. An owner of any property will be given only one notice per calendar year after which
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the Town shall cut the grass after each additional violation days.

- C. Any notice required by this chapter shall be deemed to have been served when delivered by any of the following methods:
- (1) When forwarded to the last known address of the owner as recorded in the real estate assessment records of the Town of Laurel, by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if the receipt is signed either by the owner or by a person of suitable age and discretion located at such address; or
 - (2) When delivered to the person to be notified; or
- D. Minimum content requirements regarding written notices to owners to cut grass/weeds and/or vegetation. As a minimum, such notices will contain:
- (1) Name of owner (if the owner is a landlord, a statement to the effect that a copy of this notice is being sent to the tenant of the property under violation).

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§ 55-5

BRUSH, GRASS AND WEEDS

§ 55-7

- (2) Address of property in question.
- (3) The actual code offense, citing code name, paragraph, etc.
- (4) Action to be taken by the Town if grass/weeds/vegetation are not cut by within the notice period (penalty).
- (5) Fee charged for such Town action: \$125 up to 20,000 square feet, plus 25% administrative fee; and properties over 20,001 square feet will be charged a base fee of \$125.00 and time, materials, as per the federal rate, plus a 25% administrative fee.
- (6) Point of contact: name, title, phone number and address.

§ 55-6. Authority of Town to cut, clean, remove, and/or dispose of grass, weeds, and/or other vegetation. (Amended 4-5-04)

Upon the failure, neglect or refusal of any owner so notified to cut, remove and clean such grass and weeds and/or remove and dispose of growing grass and other plants growing through, onto, or over such sidewalks within the applicable specified time in the service of notice, as provided for in this chapter, the Town of Laurel Code Enforcement Officer is hereby authorized and empowered to cause such condition to be corrected by using the services of the Town's Department of Public Works

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or by hiring a private contractor to cut, trim and remove any such grass, weed, cuttings, and/or removing of growing grass and other plants growing through, onto, or over such sidewalks, walkways, or other parts of the property under notice. The Code Enforcement Officer is empowered to authorize the payment for the disposal of such rubbish or to order its disposal by the Town of Laurel's Public Works Department.

- A. It shall be the responsibility of the Code Enforcement Officer to ascertain that the grass/weeds/vegetation on the cited property is cut by the first day of the expiration of the notice. Barring such finding, the Code Enforcement Officer is responsible for assuring that expeditious action is taken by the Town to have the grass cut no later than the second week day or non-holiday of the expiration of the notice.

§ 55-7. Collection of Fees. (Amended 4-5-04)

An invoice will be generated with the following information included:

- A. Reason for billing.

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§ 55-7

BRUSH, GRASS AND WEEDS

§ 55-9

- B. Date bill must be paid without having to pay interest fee of 1.5% per month will be charged 30 days after the due date.
- C. Amount charged and owed.
- D. When the yard work was accomplished.
- E. Appeal right regarding this notification.
- F. Time limit for appeal: no later than seven calendar days from the date of receipt of this notification to pay. Such appeal may be in writing. The letter must be postmarked no later than seven days from the date of receipt of the notice to pay.
- G. The fact that an appeal puts on hold the need to pay the bill until the town council decides on the appeal.
- H. A statement to the effect that if the Council rules against the appellant, he or she will be given 30 days to make the payment. The notification will also cover the circumstances and outcomes should the appellant fail to pay in the amount of established time.

§ 55-8. Payment (Amended 4-5-04).

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If payment is not received by the town within the thirty day timeframe, the charge will be carried on the records of the Town of Laurel and shall be collectible in the same manner as real estate taxes are collected. If any such tax/payment or part therefore remains after the expiration of one year from the date of such removal, the subject property may be sold for such tax or unpaid portion thereof with interest and administrative fees thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and administrative fees thereon shall have not been paid in full prior to said sale.

§ 55-9. Recorded statement constitutes lien.

Where full amount due to the Town is not paid by such owner within 30 days after the cutting, removing and cleaning of such grass and weeds and/or removing and disposing of growing grass and other plants growing through, onto, or over such property, then the Code Enforcement Officer shall cause to be recorded in the Finance Department of the Town a sworn statement showing the costs, manpower used, description of work performed, the date the work was performed, the location of the property on which such work was accomplished, and the name of the owner at the time the bill was submitted.

5505

§ 55-11

BRUSH, GRASS AND WEEDS

§ 55-12

§ 55-10. Additional penalties. (Amended 2-3-20)

The correction of any condition by the Town of Laurel under authority of this chapter shall not relieve the owner of the property on which such condition existed or arose from prosecution or punishment, whether misdemeanor or municipal infraction, for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same. Property owners will be penalized with an additional fee up to \$99.00.

§ 55-11. Severability.

If any part of this chapter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this chapter or the context in which such part or section so held invalid appears, except to the extent that an entire section or part of a section may be inseparable connected in meaning and effect with the section or part of a section to which such holding shall apply.

§ 55-12. Appeals. (Amended 4-5-04)

Within seven days from the service of the notice to pay as provided in § 55-7 of this chapter, the owner or his or her designated agent may file a written or oral appeal with the Mayor and/or Council President stating in detail the reasons as to why the action proposed by the Code Enforcement Officer should not be taken. Upon receipt of such appeal, the Mayor and Council shall put the cause on its agenda at its earliest convenience, notify the protestant thereof and hear the merits of the appeal. The Mayor and Council may reverse the action of the Code Enforcement Officer for any error of fact or law, of upon a finding that the enforcement constitutes an undue hardship upon the property owner which the property owner is physically or financially unable to comply with. The

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protestant must be provided a formal decision from the Mayor and Council, in writing. If the decision does not favor the protestant, the written notice of decision must contain the protestant's right to appeal to the Court of Common Pleas and the time limits for such appeal (within 30 days from the date the protestant receives the Council's written decision).

§ 59-1 **5506** BUILDING CONSTRUCTION § 59-4

Chapter 59
BUILDING CONSTRUCTION

- § 59-1. **Adoption of Commercial Building Standards.**
- § 59-2. **Adoption of Residential Building Standards.**
- § 59-3. **Adoption of Energy Conservation Standards.**
- § 59-4. **Adoption of Mechanical Standards.**
- § 59-5. **Adoption of Fuel Gas Code**

[HISTORY: Adopted by the Town Council of the Town of Laurel 7-18-1994 as Ord. No. 223. Amended 9-2-03 by Ord. No. 2003-12. Amendments noted where applicable.]

§ 59-1. Adoption of commercial building standards. (Amended 6-21-10 & 7-17-13)

The International Building Code 2009 is hereby adopted and incorporated herein by reference in its entirety.

§ 59-1 A. Adoption of Commercial Building Standards

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The International Building Code 2012 is hereby adopted and incorporated herein by reference in its entirety.

Chapter 59-2 through 4 of the Code of the Town of Laurel is hereby amended to read as follows: entirety.

§ 59-2. Adoption of residential building standards. (Amended 6-21-10 & 7-17-13)

The International Residential Code 2009 is hereby adopted and incorporated by reference, excluding provisions listed in Section 313.2, Automatic Sprinkler Systems in town houses and one and two family residential properties.

§59-2. A. Adoption of Residential Building Standards

The International Residential Code 2012 is hereby adopted and incorporated by reference, excluding provisions listed in Section 313.1 & .2, Automatic Sprinkler Systems in town houses and one and two family residential properties.

§ 59-3. Adoption of energy conservation standards (Amended 6-21-10 & 7-17-13)

The International Energy Conservation Code 2009 is hereby adopted and incorporated herein by reference in its entirety, as mandated by the State of Delaware Code, Title 16, Section 7602.

§ 59-3 A. Adoption of Energy Conservation Standards

The International Energy Conservation Code 2012 is hereby adopted and incorporated herein by reference in its entirety, as mandated by the State of Delaware Code, Title 16, Section 7602.

§ 59-4. Adoption of mechanical standards (Amended 6-21-10, 9-21-15, & 7-17-13)

The International Mechanical Code 2009 is hereby adopted and incorporated herein by reference in its entirety.

§ 59-4. A. Adoption of Mechanical Standards

The International Mechanical Code 2012 is hereby adopted and incorporated herein by reference in its entirety.

§ 59-4. B. Adoption of Mechanical Standards

The International Mechanical Code 2015 is hereby adopted and incorporated herein by reference in its entirety, as mandated by the Title 24 Chapter 1806 (12) (d) of Delaware Code.

§ 59-5. Adoption of Fuel Gas Code (Amended 9-21-15)

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The International Fuel Gas Code 2015 is hereby adopted and incorporated herein by reference in its entirety, as mandated by the Title 24 Chapter 1806 (12) (d) of Delaware Code.

5901

§ 62-1

BUILDINGS, UNSAFE

§ 62-2

Chapter 62

BUILDINGS, UNSAFE

- § 62-1. **Declaration of nuisance.**
- § 62-2. **Hazard Inspection Committee.**
- § 62-3. **Inspections by Committee.**
- § 62-4. **Notice of violation; hearing.**
- § 62-5. **Owner permitted to present evidence.**
- § 62-6. **Findings of Mayor and Council.**
- § 62-7. **Failure to comply.**
- § 62-8. **Violations and penalties.**

[HISTORY: Adopted by the Town Council of the Town of Laurel 6-6-1961 as Ord. No. 159. Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction – See Ch. 59.
- Housing standards – See Ch. 87.
- Property maintenance – See Ch. 114.

§ 62-1. Declaration of nuisance.

The maintaining of dilapidated buildings on any property located within the corporate limits of the Town of Laurel which constitutes a serious hazard to life and property shall be and it is hereby declared to be a common and public nuisance.

§ 62-2. Hazard Inspection Committee. [Amended 8-3-1998]

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A Hazard Inspection Committee shall be appointed by the Mayor of the Town of Laurel consisting of not less than three members, at least two of whom shall be elected members of the Town Council, to investigate information received by the Mayor and Council that any building within the corporate limits of the Town of Laurel is a serious hazard to life and property. One of said elected members so appointed by the Mayor shall be designated Chairman of said Committee.

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§ 62-3

BUILDINGS, UNSAFE

§ 62-6

§ 62-3. Inspections by Committee.

Whenever the Mayor and Council receive any information that a building located within the corporate limits of the Town of Laurel is a serious hazard to life and property, the Mayor shall direct the Hazard Inspection Committee appointed pursuant to § 62-2 above to investigate and determine whether the building is a serious hazard to life and property. The Committee shall proceed to make its investigation and shall make a report not later than 30 days after having been directed to make an investigation to the Mayor and Council setting forth in writing its findings and conclusions concerning the building.

§ 62-4. Notice of violation; hearing.

If the Committee should conclude following its investigation that the building is a serious hazard to life and property, the Mayor and Council shall direct a notice to the owner of said building at his or her last known address. The notice shall set forth the findings and conclusions of the Committee and shall set a time and date for a public hearing before the Mayor and Council, and the owner of said building shall be permitted to present evidence why said building investigated by the Committee should not be ordered demolished. The date of the public hearing shall be not later than 20 days from the date of said notice. Any notice given pursuant to this section shall be by registered mail with return receipt requested.

§ 62-5. Owner permitted to present evidence.

At the hearing, the owner of said building shall be permitted to present evidence why the building should not be declared a common and public nuisance and why he or she should not be required to abate said condition.

§ 62-6. Findings of Mayor and Council.

Following the hearing and the presentation of any evidence by the owner, the Mayor and Council shall issue its findings and conclusions concerning the building. If it is found that the building constitutes a hazard to life and property but that measures may be taken to remove the dangerous conditions and render the building safe, the findings and conclusions shall specify what measures shall be taken to correct the condition and shall specify a time within which the corrective measures shall be taken. The owner may, at his or her discretion, comply with the order or demolish the building. If it is found that conditions render the building a hazard to life and property and that no

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corrective measures may be taken to abate said conditions and render the building safe, the building shall be declared to be a common and public nuisance and its demolition by a certain date shall be ordered.

6202
BUILDINGS, UNSAFE

§ 62-7 § 62-8

§ 62-7. Failure to comply.

If the owner fails to comply with the orders issued by the Mayor and Council within the time specified, the Mayor and Council shall authorize the Attorney for the Town of Laurel to file suit in the proper court against such owner and obtain the necessary orders to enforce the directions of the Mayor and Council.

§ 62-8. Violations and penalties. [Added 6-15-1964 by Ord. No. 168; amended 6-3-1996 by Ord. No. 1000]

It shall be unlawful for any person, firm or corporation to maintain within the corporate limits of the Town of Laurel a dilapidated building which constitutes a serious hazard to life and property. Any person, firm or corporation which violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than \$50 nor more than \$500 or be imprisoned for 30 days, or both, and shall pay the costs of prosecution. For the purposes of this chapter, each day that an offense prohibited by this chapter continues shall be deemed to be a separate offense.

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