

Chapter 112

**PROPERTY, ABANDONED OR UNCLAIMED**

- § 112-1. **Definitions.**
- § 112-2. **Notice of official possession.**
- § 112-3. **Claim and proof of ownership.**
- § 112-4. **Disposal.**
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- § 112-6. **Exemptions from provisions.**
- § 112-7. **Record to be provided.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 1-23-1996 as Ord. No. 366. Amendments noted where applicable.]**

**§ 112-1. Definitions**

As used in this chapter, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**ABANDONED** – Personal property shall be deemed “abandoned” if the rightful owner fails to make satisfactory claim and proof of ownership within thirty (30) days after the giving of notice as provided in § 112-2 below.

**OFFICER** – Any officer, agent or employee of the town acting within the scope of his or her employment.

**TOWN** – The Town of Laurel.

**UNCLAIMED PERSONAL PROPERTY** – All personal property of whatever nature, including intangible personal property and bicycles, where the owner or his or her whereabouts is unknown, or which is unclaimed for more than seven (7) days, but the term shall not be interpreted to mean and shall specifically exclude livestock, stray or abandoned animals and forfeited moneys and assets, or the proceeds thereof, pursuant to a court forfeiture order in accordance with 11 Del. C. § 4112.

**§ 112-2. Notice of official possession.**

- A. Any officer of the town having in his or her possession unclaimed personal property shall from time to time prepare a notice in writing containing the following information:
  - (1) The name, designation and office address of the officer giving the notice.
  - (2) The description of the personal property that has come into the possession of the officer since the giving of the last periodic notice.
  - (3) A demand that all owners of the property described in the notice make claim and proof of ownership satisfactory to the officer named in the notice within thirty (30) days from the date of the notice.
  - (4) A statement that any of the described personal property not so claimed within such thirty-day period shall be deemed to be abandoned, and that the same may be disposed of by the town.
- B. The notice shall be published in a newspaper of general circulation in the town at least once, and copies of the notice shall be posted in three (3) public places in the town, and a copy of the notice shall be mailed to the owner, if known, at his or her last known place of abode.

**§ 112-3. Claim and proof of ownership.**

- A. Except as provided in Subsection B below, if the personal property described in the notice required by § 112-2 remains in the possession of the officer without any person making satisfactory claim and proof of ownership for a period of thirty (30) days from the date of the notice describing it, the personal property shall be deemed to be abandoned, and title to the property shall be deemed to be in the town by reason of abandonment by the owner and possession by the town.
- B. When dealing with property which is lost, found by a person not the owner (hereinafter referred to as the “finder”) and there turned over to an officer, the finder shall be deemed to have made satisfactory claim and proof of ownership to be entitled to possession of the personal property at the end of thirty (30) days from the date of the notice. However, the finder’s claim and proof of ownership under this

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section shall be inferior to and subject to a satisfactory claim and proof of ownership by any owner of the personal property. Upon delivery of the property to the finder as

provided in this section, the town shall have no further interest in or obligations with respect to the property. The town shall, however, provide the name and address of the finder and the location of the property, if known, to any person making a satisfactory claim and proof of ownership subsequent to the delivery of the property to the finder.

**§ 112-4. Disposal.**

- A. The town shall have the right to sell or otherwise dispose of abandoned personal property for the best interest of the town. No disposal of property shall be made until after ten (10) days' notice of sale given in the same manner as provided in § 112-2, which notice shall contain the following information:
  - (1) The name, designation and address of the officer giving the notice.
  - (2) A description of the property.
  - (3) The date, time and place of the disposal and the person to conduct the same.
  - (4) A statement that the described personal property is deemed to be abandoned and the method of disposal.
  - (5) A statement that the town reserves the right to reject any and all bids.
- B. In no event shall any item be sold for less than the cost of advertising and selling. The town reserves the right to reject any and all bids. If an item cannot be disposed of at an amount greater than the cost of advertising and selling, the town may destroy the property or otherwise dispose of it.
- C. The officer conducting the sale shall maintain a complete and accurate record of the sale, which shall include the description of the personal property sold, the name and the address of the purchasers, the sale price of each item sold and the costs of the sale.
- D. The officer conducting the sale shall execute and deliver a certificate of sale to the purchaser of each item of personal property, which certificate shall describe the item in the same manner as the notice of sale and shall recite the purchase price paid, the name and address of the purchaser and the date of purchase. The certificate shall pass the title of the item to the purchaser.

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- E. Fair market value of materials to be disposed of by exchange or trade shall be determined by an appraisal. The appraisal shall be obtained from an expert in the commodity field who is not a town employee or agent of a responding enterprise.

**§ 112-5. Disposition of proceeds.**

- A. All moneys received from disposal of abandoned personal property, or an amount equal to the fair market value of the property if disposed by exchange or trade, as provided for in this chapter, less the cost of advertising and selling, shall be immediately paid over to the Town Manager and deposited in the town's general fund or account.
- B. Should any person within six (6) months from the date of disposal of any item of personal property make claim to it and establish ownership, the sum of money paid over to the Town Manager as provided herein shall be paid over to that person. In no event shall any claim be considered unless it shall be presented to the Town Manager in writing before the expiration of six (6) months from the date of the disposal of the item claimed.

**§ 112-6. Exemptions from provisions.**

The provisions contained herein for the sale or disposal of abandoned personal property shall not apply to the following categories of personal property:

- A. Firearms, weapons and other devices or instruments designed for inflicting bodily injury. The town may elect to dispose of or retain the same.
- B. Currency. United States or other foreign currency (after exchange) may be retained by the town for its own use and deposited in the town's general fund or account.
- C. Items useful or necessary to the town. Such items may be retained by the town for its use.
- D. At the discretion of the Town Manager, the town may elect to donate any item that has remained in the town's custody for at least sixty (60) days to a nonprofit charitable organization.

**§ 112-7. Record to be provided.**

Each person performing any action provided for in this chapter shall make a written record of such action for the town's files.

**Chapter 113**

**PROPERTY SURPLUS  
(Added 6-7-04)**

**§ 113-1. Definitions**

**§ 113-2. Plotted Streets or Alleys**



The town shall have the right to sell or otherwise dispose of surplus real property having value for the best interest of the town. Disposal of surplus real property shall be made by the town manager or his designee in the following manner:

- a. The surplus real property shall first be offered at the appraised value determined pursuant to Section 3 hereof, plus the cost of the specified appraisal, to the owners of adjoining real property within the town have a boundary line which touches at some point the surplus property proposed to be sold. If more than one adjoining owner expresses an interest in purchasing the surplus real property for the proffered sales price, then the town shall allow ten (10) days for each interested adjoining property owner to submit a sealed bid on a form to be supplied by the town, along with a check for twenty-five percent (25%) of the amount of bid. The property would then be sold "as is", and by quit-claim deed, without any warranties, either express or implied, to the highest bidder, with the minimum bid to be appraised value of the property, plus the cost of the appraisal. Settlement would be required within thirty (30) days of notification to the successful bidder that he, she or it was the highest bidder. If the successful bidder failed to proceed to settlement within thirty (30) days, then the town could forfeit the deposit and award the property to the next highest bidder, for at least the minimum bid specified above, invite a second round of sealed bids, or utilize one or more of the sale alternatives specified in Subsection (b), (c), or (d) below.
- b. If the surplus real property is not sold as provided in Subsection (a) above or by one of the other authorized alternatives, then the town may alternatively utilize the sealed bid process set forth in Subsection a above, except that the surplus real property shall be offered to the public at large. The town may specify a minimum bid, or may allow the surplus real property to be sold to the highest bidder, regardless of the amount of bid.
- c. If the surplus real property is not sold as provided in Subsection (a) above or by one of the other alternatives, then the town may alternatively utilize the service of a licensed auctioneer to dispose of the property, for such commission and upon such other terms as the town manager may negotiate. The town may specify a minimum bid, or may allow the surplus real property be sold to the highest bidder, regardless of

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the amount bid.

- d. If the surplus real property is not sold as provided in Subsection (a) above, or by any of the other authorized alternatives, the town may undertake to sell the surplus real property by conducting its own public sale. No sale by the town of the surplus real property shall be made until after ten (10) days notice of the sale, which will be published in a newspaper of general circulation in the town at least once and copies of the notice shall be posted in three (3) public places in the town, which notices

shall contain the following information:

- (1) The name, designation and address of the town employee giving the notice;
- (2) A description of the real property;
- (3) The date, time, place of the disposal and the name and title of the person conducting the same;
- (4) A statement that the described real property is deemed to be surplus and the method of disposal; and
- (5) A statement that the town reserves the right to reject any and all bids. In no event shall any real property be sold for less than the cost of advertising and selling the surplus real property. The town reserves the right to reject any and all bids.

The town employee conducting the sale shall maintain a complete and accurate record of the sale, which shall include the description of the real property sold, the name and the address of the purchaser(s), the sale price of the property sold and the costs of the sale.

The Mayor and the town manager shall execute and deliver a quit-claim deed to the purchaser of the property, which deed shall describe the property in the same manner as the notice of the sale and shall recite the purchase price paid, the name and address of the purchaser and the date of purchase. The deed shall pass title of the property to the purchaser.

## **§ 113-6 Disposition of Proceeds**

All monies received from disposal of surplus property, as provided for in this ordinance, less the cost of advertising and selling, shall be immediately paid over to the town and deposited in the town's general fund or designated fund.

### **11303**

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## **Chapter 114**

### **PROPERTY MAINTENANCE**

#### **ARTICLE I**

#### **Private Property**

### **§ 114-1. Adoption of Standards**

- § 114-2.      **Storage of objectionable objects or trash.**
- § 114-3.      **Objectionable objects defined.**
- § 114-4.      **Notice to remove.**
- § 114-5.      **Violations and penalties.**

ARTICLE II  
**Commercial**

- § 114-6.      **Storage of objectionable objects.**
- § 114-7.      **Objectionable objects defined.**
- § 114-8.      **Storage of garbage and trash.**
- § 114-9.      **Notice to remove.**
- § 114-10.     **Violations and penalties.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel: Art. I, 10-5-1970 as Ord. No. 207; Art. II, 8-13-1973 as Ord. No. 215. Amendments noted where applicable.]**

GENERAL REFERENCES

Brush, grass and weeds – See Ch. 55.  
Housing standards – See Ch. 87.

**11401**  
ARTICLE I  
**Private Property**  
**[Adopted 105-1970 as Ord. No. 207]**

**§ 114-1. Adoption of Standards (Amended 6-21-10 & 6-17-13)**

The International Property Maintenance Code 2009 is hereby adopted and incorporated herein by reference as though full set out.

**§ 114-1 A.** Adoption of Property Maintenance Standards

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

**§ 114-2. Storage of objectionable objects or trash.**

- A. It shall be unlawful for any occupant or owner of any premises within the residential areas of the Town of Laurel to store, to have stored, or permit to be stored on the premises within view of the general public, any object or objects of an offensive, objectionable or unsightly nature or that would detract from the appearance, peace or tranquility of the premises whereon it is stored or of the adjoining premises.
- B. It shall be unlawful for any occupant or owner of any premises within the residential areas of the Town of Laurel to store, or permit to be stored, any garbage or trash containers **within view from the front of the premises**, twelve (12) hours before or after the regularly scheduled garbage and trash pickup day. **[Added 5-17-971 by Ord. No. 207] (Amended 6-16-14)**

**§ 114-3 Objectionable objects defined. (Amended 11-17-14)**

For the purpose of this chapter, objectionable objects shall include, but not be limited to, abandoned or inoperable motor vehicles, old tires, machinery, crates, cartons, old furniture, appliances and other obvious junk, salvage or unsightly objects.

- A. For the purpose of this chapter, objectionable objects shall include, but not be limited to, abandoned or inoperable vehicles, old tires, machinery, crates, cartons, old furniture, appliances and other obvious junk, salvage, **boarded windows and/or doors**, or unsightly objects.
- B. A property owner may arrange, by obtaining approval from the Director of Code Enforcement, for the placement of boards on windows and/or doors for a period of time not to exceed 30 days for **security purposes** only.
- C. A property owner may arrange, by obtaining approval from the Director of Code Enforcement, for the placement of boards on windows and/or doors for a period of time not to exceed 90 days for **emergency purposes**, such as, but not limited to, fires or storm damage.
- D. All boards are to be placed on the inside of the doors and or windows, with the exception of the rear door.
- E. Placing boards on doors and/or windows without the consent of the Code Enforcement Office of the Town of Laurel, shall constitute an objectionable object.
- F. This ordinance will **NOT** exclude preexisting non confirming use properties.

**§ 114-4. Notice to remove. (Amended 7-20-09)**

- 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 remove the offending object or objects from the subject property within seven (7) calendar days from mailing of said notice.

- B. A notice of removal shall be issued only one (1) time per calendar year for any violations, after which the Town shall remove the offending object or objects at the owner's expense without any further notices for such calendar year.

## 11402

### § 114-5. Violations and penalties.

- A. Whoever fails to comply with such notice to remove the offensive or objectionable object or objects within the specified time shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 for the first offense, not less than \$250 for the second offense and not less than \$500 for a term not to exceed 30 days, or both, and shall pay all costs of prosecution. [Amended 6-3-1996 by Ord. No. 1000; 10-4-1999]
- B. Each such day that a violation continues or is permitted to be continued shall be deemed to be a separate offense.

#### ARTICLE II

#### Commercial

[Adopted 8-13-1973 by Ord. No. 215]

### § 114-6. Storage of objectionable objects.

It shall be unlawful for any occupant or owner of any commercial premises in any area in the corporate limits of the Town of Laurel to store, to have stored, or permit to be stored on the premises, any object or objects, or any material of an offensive, objectionable or unsightly nature that would detract from the appearance, peace, health, safety or tranquility of the premises whereon it is stored or of the adjoining premises.

### § 114-7. Objectionable objects defined.

For the purpose of this chapter objectionable objects or material shall include, but not be limited to, inoperable motor vehicles, old tires, motor vehicle parts or related equipment, corrugated cartons, or cardboard boxes, paper or papers, crates, rubbish, garbage, trash, organic waste, inorganic waste, old furniture, appliances and other obviously junk, salvage or unsightly objects or materials.

### § 114-8. Storage of garbage and trash.

Garbage, rubbish, trash, corrugated cartons, cardboard boxes, crates, organic waste, inorganic waste or paper or papers shall be stored in nonabsorbent washable receptacles or disposal facilities,

with tight-fitting lids, so constructed as to make the said receptacles or disposal facilities rodent- and/or insect proof, as well as to prevent any of the contents escaping therefrom.

**11403**

**§ 114-9. Notice to remove. (Amended 7-20-09)**

- 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 remove the offending object or objects from the subject property within **seven (7) calendar days from mailing of said notice**.
  
- B. A notice of removal shall be issued only one (1) time per calendar year for any violations, after which the Town shall remove the offending object or objects at the owner's expense without any further notices for such calendar year.

**§ 114-10. Violations and penalties.**

- A. Whoever fails to comply with such notice to remove the offensive or objectionable object or objects or materials within the specified time shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 for the first offense, not less than \$250 for the second offense and not less than \$500 for each offense thereafter; or imprisoned for a term not to exceed 30 days, or both, and shall pay all costs of prosecution. **[Amended 2-15-1982 by Ord. No. 215; 6-3-1996 by Ord. No. 1000; 10-4-1999]**

## **Chapter 115**

### **Chronic Nuisance Properties {Adopted by Ord. 2021-6 12/20/21}**

**§ 115-1 Purpose.**

**§ 115-2 Definitions.**

**§ 115-3 Chronic nuisance properties.**

**§ 115-4 Assessment of points.**

**§ 115-5 Prohibited conduct.**

**§ 115-6 Fee established.**

**§ 115-7 Enforcement.**

**§ 115-8 Notice.**

**§ 115-9 Request for hearing.**

**§ 115-10 Malicious reporting.**

**§ 115-11 Change in title to chronic nuisance property.**

**§ 115-12 Severability.**

**§ 115-1 Purpose.**

The use and occupation of properties in a manner that persistently violates state and local laws, ordinances and/or regulations substantially interferes with the public's interest in enhancing the quality of life and community environment in the Town, in fostering and facilitating commerce, in maintaining and improving property values, and in preserving and protecting the public health, safety and welfare. The responsibility of property owners and occupants to control nuisance activities on their property is especially important in high-density residential areas, where many more households and residents may be affected when a nuisance activity occurs. It is the purpose of this Chapter to authorize the imposition of sanctions and penalties for chronic nuisance properties; however, such sanctions are penalties are not an exclusive remedy, and the authority created by this Chapter is in addition to those other powers that may exist elsewhere by law. The Mayor and Council of the Town of Laurel find that the

sanctions and penalties that may be imposed pursuant to this Chapter constitute an appropriate exercise of the Town's police powers in response to the proliferation of chronic nuisance properties. By enacting and undertaking to enforce this Chapter, the Town, its Mayor, Council, agents and employees do not warrant or guarantee the safety, fitness or suitability of any property or area in the Town. Owners and occupants should take appropriate steps to protect their interests, health, safety and welfare.

## **§ 115-2 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- (1) "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this Chapter by such means and in such a manner and to such an extent as the Mayor and Council of the Town of Laurel determines is necessary in the interest of the general health, safety and welfare of the community.
- (2) "Control" means the power or ability to direct or determine conditions, conduct, or events occurring on a property.
- (3) "Dwelling" means a building or one or more portions of a building occupied or intended to be occupied for residential purposes of a continued nature.
- (4) "Occupant" means any person occupying, living, or sleeping or having possession of a space within any structure, dwelling, dwelling unit or premises.
- (5) "Owner" or "Licensee" means any person having a legal or equitable interest in the property or recorded in the official state, county or Town records as holding title to the property or otherwise having control of the property.
- (6) "Person" may be an individual, corporation, firm, association, company, partnership, organization or any other group acting as a unit.
- (7) "Property" means any land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure, inclusive of all separate parts, units and portions thereof.
- (8) "Owner-Occupied Dwelling" means any dwelling owned and being inhabited by the same person or persons.
- (9) "Rental Dwelling" means any residential structure used for residential occupancy by one or more persons who are not the owner or a member of the owner's immediate family.

(10) "Rental Dwelling Unit" means any room or rooms, or space, in any rental dwelling designed or used for residential occupancy by one or more persons who are not the owner or a member of the owner's immediate family.

(11) "Tenant" means any person occupying a dwelling unit or having possession of a space within a dwelling unit who pays, in any manner, for the right to occupy such space.

### **§ 115-3 Chronic nuisance properties.**

Any real property which has been assigned   12   or more points, in accordance with the point system set forth in Section § 115-4 of this Chapter, within   6   months    consecutive calendar months shall be deemed a chronic nuisance property, subject to the terms and conditions contained in this Chapter. Point assigned to a property pursuant to this Chapter shall fall off   6   months    months after the event giving rise to their assignment. A property once considered a chronic nuisance property, may be restored to normal status once the accumulated point total for the said property falls below the aforesaid qualifying point threshold

### **§ 115-4 Assessment of points.**

(A) In determining whether a property is a chronic nuisance property, the following point system shall apply:

(1) The following violations shall each be assigned a point value of eight (8) points:

a. A violation of the provisions of Title 11, Chapter 5, Subchapter II, Subpart B of the Delaware Code entitled "Acts Causing Death."

b. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart E of the Delaware Code entitled "Offenses Involving Deadly Weapons and Dangerous Instruments."

c. A violation of the provisions of Chapter 102, Section 102-25 of the Code of the Town of Laurel entitled "Discharging of firearms prohibited."

d. A violation of the provisions of Chapter 102, Section 102-62 of the Code of the Town of Laurel entitled "Discharging of firearms prohibited."

(2) The following violations shall each be assigned a point value of six (6) points:

a. A violation of the provisions of Title 11, Chapter 5, Subchapter II, Subpart A of the Delaware Code entitled "Assaults and Related Offenses."

b. A violation of the provisions of Title 11, Chapter 5, Subchapter II, Subpart D of the Delaware Code entitled "Sexual Offenses."

c. A violation of the provisions of Title 11, Chapter 5, Subchapter III, Subpart D of the Delaware Code entitled "Theft and Related Offenses."

d. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart A of the Delaware Code entitled "Riot, Disorderly Conduct and Related Offenses."

e. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart B of the Delaware Code entitled "Offenses Involving Public Indecency."

f. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart D of the Delaware Code entitled "Offenses Involving Gambling."

g. A violation of the provisions of Title 16, Part IV of the Delaware Code entitled "Uniformed Controlled Substance Act."

h. A violation of the provisions of Chapter 102, Section 102-12 of the Code of the Town of Laurel entitled "Disturbing the peace."

i. A violation of the provisions of Chapter 102, Section 102-18 of the Code of the Town of Laurel entitled "Gambling prohibited."

j. A violation of the provisions of Chapter 102, Section 102-19 of the Code of the Town of Laurel entitled "Crap games prohibited."

k. A violation of the provisions of Chapter 102, Section 102-23 of the Code of the Town of Laurel entitled "Disorderly conduct."

l. A violation of the provisions of Chapter 102, Section 102-24 of the Code of the Town of Laurel entitled "Burning within town limits prohibited."

m. A violation of the provisions of Chapter 102, Section 102-60 of the Code of the Town of Laurel entitled "Burning of vegetation or trash."

n. A violation of the provisions of Chapter 102, Article IX of the Code of the Town of Laurel entitled "Noise, Commercial Establishments and Dwelling Houses."

(3) The following violations shall each be assigned a point value of four (4) points:

a. A violation of any section of Chapter 87, Housing Standards, of the Code of the Town of Laurel.

b. A violation of any section of Chapter 92, Licenses, of the Code of the Town of Laurel.

c. A violation of the provisions of Chapter 102, Section 102-28 of the Code of the Town of Laurel entitled "Control of trash, waste or objectionable materials."

d. A violation of the provisions of the Zoning Ordinance of the Town of Laurel, Sussex County, State of Delaware.

e. A violation of Title 16, Part II of the Delaware Code entitled "Regulatory Provisions Concerning Public Health."

(4) The following shall each be assigned a point value of one (1) point:

a. A call for police service to a property as documented by a police computer aided dispatch system or a written police report (with or without an arrest or conviction).

b. A violation of the provisions of the 2012 International Property Maintenance Code. (INSERTED AT THE REQUEST OF TOWN, BUT HAS THIS BEEN ADOPTED BY THE TOWN?)

c. A violation of the provisions of Chapter 114 of the Code of the Town of Laurel entitled "Property Maintenance."

(5) Notwithstanding the foregoing, no points shall be assigned under the following circumstances:

a. Calls for police service to any rental dwelling unit for which the property owner or management company has demonstrated proof in writing that the tenant or tenants, since the time of the nuisance activity, have been evicted from said rental dwelling unit, or that the owners are actively pursuing the eviction of the tenant or tenants. For the purposes of this subsection, the term "actively pursuing the eviction" means any activity conducted for the purpose of evicting a tenant or tenants, or the execution of sanctions against a tenant or tenants that shall contribute directly to the eviction of said tenant or tenants in the event of future violations of this article or the terms of a lease agreement between the owner and the tenant or tenants.

b. Calls for police service for which it is determined by the Chief of Police that the nuisance activity could have in no reasonable way been prevented by and was not caused by the action or inaction of the property owner, the tenants or tenants, and any other person or persons associated with the associated property, dwelling or dwelling unit.

(B) Where more than one (1) violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. For purposes of this section, an "incident" will be defined as the execution of an enforcement action in response

to a violation, with or without an arrest or conviction, and occurs: 1) on or outside the premises, but within the perimeter of the property on which the building, erection, residence or place is located; or, 2) on any adjacent or accessory parking lot used in connection with said building, erection, residence or place; or, 3) occurs outside the premises, but was initiated inside the premises.

(C) Points for a violation, as set forth above, shall only be assessed upon the issuance of a criminal summons or civil citation. Provided, however, that, for purposes of this Chapter, a conviction for a violation in a court of competent jurisdiction or other applicable tribunal shall not be required to establish that a specified violation has occurred hereunder at a property, building, erection, residence or place. Notwithstanding that fact, a conviction, including a plea of "guilty" or "no contest," in any court of competent jurisdiction, shall constitute conclusive proof of such a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be equivalent to a conviction for a violation of the specified provision.

#### **§ 115-5 Prohibited conduct.**

No person shall intentionally, knowingly, recklessly or negligently permit any property within the corporate limits of the Town of Laurel to become, exist as or be used as a chronic nuisance property, and any owner and persons in control of a chronic nuisance property found to exist within the Town shall be subject to the procedures of this Chapter. The owners, occupants, lessors, lessees, licensees, and all those persons in possession or having control of a chronic nuisance property, as agent or otherwise, or having any interest in the property, real or personal may be held liable under these provisions for conducting or maintaining a chronic nuisance. The lack of knowledge of or acquiescence to or participation in or responsibility for a public nuisance on the part of the owners, occupants, lessors, lessees, and all those persons in possession or having control of the property as agent or otherwise, or having any interest in the property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors, lessees, and such other persons.

#### **§ 115-6 Fee established.**

(A) Beginning \_\_January 1\_\_\_\_\_, 20\_22\_\_\_, the Town shall levy a fee against each chronic nuisance property, and against the owner and/or persons in control of such property. Said fee shall be established and amended from time to time by resolution of the Mayor and Council.

(B) Any outstanding fees imposed upon a property owner according to this Chapter that remain delinquent for more than thirty (30) days may be assessed upon the property tax account for the chronic nuisance property.

(C) The Town shall not issue any new or renewal rental license, building permit, or business license for any property for which there are outstanding fees due to the Town imposed in accordance with the provisions of this Chapter.

**§ 115-7 Enforcement.**

(A) In addition to any other enforcement procedures established elsewhere, the Mayor and Council of the Town of Laurel shall be authorized:

(1) To order the temporary closing of the building, erection, residence, or place, or unit in the case of a multi-unit building to the extent necessary to abate a chronic nuisance; or,

(2) To suspend or revoke, for a period not to exceed one (1) year, any license or permit issued by the Town related to the conduct of a business or trade at the chronic nuisance property, including a residential rental business license, which suspension or revocation shall also apply to any other locations or dwelling units operated by the holder for which the license or permit is required if it is determined by the Mayor and Council of the Town of Laurel that a pattern of nuisance activity is also occurring in or upon other locations or dwelling units operated by the holder of the license or permit; or,

(3) To issue a criminal summons to the owners, occupants, lessors, lessees, licensees and all those persons in control of the chronic nuisance property as agent or otherwise, or having any interest in the property, real or personal for conducting or maintaining a chronic nuisance property; or,

(4) The Town may abate chronic nuisances on property by providing chronic nuisance services to curtail or eliminate the re-occurrence of nuisance activities. The costs of such chronic nuisance services shall be billed to the owner and/or persons in control of the chronic nuisance property, and may be collected by the Town by any legal means; or,

(5) Any combination of the above.

(B) A closing directed pursuant to this Chapter shall not constitute an act of possession, ownership, or control by the Town over the closed property. The owner and persons in control of the chronic nuisance property shall continue to be responsible for the said property.

**§ 115-8 Notice.**

(A) The Council of the Town of Laurel shall give written notice to the owner and any persons in control of a chronic nuisance property which the Town holds equally responsible for the property, that the property has been deemed a chronic nuisance property pursuant to the terms of this Chapter. Such notice shall contain the following:

(1) a description of the chronic nuisance property sufficient for identification;

(2) a statement of the nuisance activities occurring in or upon the property giving rise to the chronic nuisance determination;

(3) notice that the responsible party is subject to monetary penalties as set forth in

section 115-6 of this Chapter, and the amount of such monetary fines at the time of the notice;

(4) a demand that the owner and other persons in control of the property respond to the Council within seven (7) days of service of the notice to discuss a course of action to correct the nuisance;

(5) notice that if the owner and/or persons in control of the property do not respond to the Council as required in this section, or if the matter is not voluntarily corrected to the satisfaction of the Council, the Town may file an action to abate or otherwise address the nuisance property pursuant to section 115-7;

(6) a statement that unless the Council of the Town of Laurel receives a written request for hearing from the owner or persons in control of the property, within thirty (30) days of such persons' receipt of the notice, then the said owner and persons in control of the property shall be deemed to have waived the right to contest the notice of violation and determination of chronic nuisance

(B) Any notice given in accordance with the foregoing shall be deemed to be properly served upon the owner or persons in control of a property when mailed to the person's last known address, via certified mail, return receipt requested, or if the notice is returned by the postal service as being undeliverable, then by subsequently posting a copy of the notice in a conspicuous place on or about the chronic nuisance property.

(C) When a notice is issued pursuant to this section to a person in control of a property, other than an owner or an owner's agent, who has permitted a property to become a chronic nuisance property, a copy of such notice shall also be sent, via certified mail, to the last known address of the property owner.

### **§ 115-9 Request for hearing.**

(A) Within thirty (30) days of their receipt of written notice of a determination of chronic nuisance, a property owner or person in control of the subject chronic nuisance property may request a hearing before the Mayor and Council of the Town of Laurel regarding that determination. A request for hearing shall be filed with the Council and shall:

(1) be in writing;

(2) provide a short, plain statement identifying the factual, procedural or legal error upon which the request is based; and,

(3) identify any written materials upon which defense of the chronic nuisance determination is based.

(B) If the owner and persons in control of a chronic nuisance property fail to file a

timely request for hearing, the property owner and persons in control of the property shall be deemed to have waived the right to contest the declaration of chronic nuisance property.

(C) Upon receipt of a timely request, the Mayor and Council of the Town of Laurel shall schedule a hearing for the matter to be heard by them. The hearing shall be limited to the review of the record or evidence upon which the declaration of chronic nuisance was made.

(D) After reviewing the record and hearing relevant testimony from the owner and/or persons in control of the chronic nuisance property, the Mayor and Council of the Town of Laurel shall either uphold or reject the declaration of chronic nuisance property, as appropriate. The decision of the Mayor and Council shall be in writing and shall be deemed final.

#### **§ 115-10 Malicious reporting.**

No person shall report a violation of this article or otherwise request police services knowing or having reason to know that the report is false with the intent to affect the licensing status of a rental property, to unduly induce or prevent fees against a property owner or other persons in control of a property for violations of this Chapter, or to otherwise harass or intimidate any property owner or person in control of a property.

#### **§ 115-11 Change in title to chronic nuisance property.**

(A) Every purchaser of a chronic nuisance property at judicial sale upon final judgment of foreclosure shall both provide the Town with an action plan to address the chronic nuisance status of the property, and implement that action plan no later than forty-five (45) days from the recordation of the Sheriff's Deed for such property.

(B) Every trustee of a chronic nuisance property appointed after the entry of a chronic nuisance service order shall, within forty-five (45) days from the date of appointment of receivership, both provide the Town with an action plan to address the chronic nuisance status of the property, and implement that action plan.

(C) Every personal representative of an owner of a chronic nuisance property shall, within forty-five (45) days from the date of appointment as personal representative, both provide the Town with an action plan to address the chronic nuisance status of the property, and implement that action plan.

(D) An arms-length purchaser of a chronic nuisance property that has purchased the property after entry of a chronic nuisance order for the property shall have forty-five (45) days from the date of closing to both provide the Town with an action plan to address the chronic nuisance status of the property, and to implement the action plan

#### **§ 115-12 Severability.**

If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.

§ 118-1

**11404  
REAL ESTATE**

§ 118-1

**Chapter 118**

**REAL ESTATE**

**ARTICLE I**

**Rental Property Registration**

**§ 118-1. Notice and questionnaire.**

**§ 118-2. Questionnaire to be returned.**

**§ 118-3. Violations and penalties.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel: Art. I, 9-21-1994 as Ord. No. 741. Amendments noted where applicable.]**

**ARTICLE I**

**Rental Property Registration<sup>1</sup>  
[Adopted 9-21-1994 as Ord. No. 741]**

**§ 118-1. Notice and questionnaire.**

The Town Manager is hereby authorized and directed annually and not later than October 1 of each year to direct a notice and questionnaire to each property owner advising the property owner of the tax imposed for the rental of rooms, apartments, cabins and houses and of the tax for each such type of rental, together with a penalty for the nonpayment of such tax. The questionnaire so included shall set forth the following:

- (1) I do not intend to rent any property
- (2) I rent rooms, apartments, cabins, houses

**PLEASE CHECK THE APPLICABLE BLOCK**

(3) If you check the second block, state the following:

The number of rooms rented \_\_\_\_\_

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The number of apartments rented \_\_\_\_\_

The number of cabins rented \_\_\_\_\_

The number of houses rented \_\_\_\_\_

**PLEASE CHECK THE APPLICABLE BLOCK**

Penalty for nonpayment of the tax is twenty-five dollars (\$25) to two hundred dollars (\$200) per day.

**§ 118-2. Questionnaire to be returned. (Amended 6-16-14)**

The questionnaire shall be on **license renewal form mailed to the owner each year** and shall be returnable within thirty (30) days of mailing to the Town of Laurel. Any property owner who does not complete and return the card shall be presumed to have answered the question posed in the questionnaire in the negative.

**§ 118-3. Violations and penalties. (Amended 6-16-14)**

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$100 and imprisoned for a term of not less than 10 days nor more than 20 days for the first such conviction, or both, and shall pay the costs of prosecution. For a second or subsequent offense, any person shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$200 or imprisoned for a term of not less than 20 days nor more than 30 days for each such conviction, or both, and shall pay the costs of prosecution. For the purposes of this chapter, each day, or part of a day, that a violation of any of the provisions of this chapter continues shall be deemed and taken to be a separate and distinct violation.

**11802**

**SEWERS**

**Chapter 125**

**SEWERS**

**ARTICLE I  
Connections**

- § 125-1. Connection to public sewer required.**
- § 125-2. Notice to connect.**
- § 125-3. Failure to connect; connection by town.**
- § 125-4. Cost of connection made by town.**
- § 125-5. Definitions.**

**ARTICLE II  
Impact Charges**

- § 125-6. Purpose.**
- § 125-7. Definitions.**
- § 125-8. Computation of area impact charge.**

**ARTICLE III  
Rates**

- § 125-9. Rates established.**
- § 125-10. Definitions.**

**ARTICLE IV**

**Reserve Fund**

§ 125-11. **Purpose.**

§ 125-12. **Sewer fund surpluses**

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**ARTICLE V**

**Reservation and Allocation of Sewer Capacity  
(Added 7-20-09)**

§ 125-13. **Sewer Capacity Reservation Program Established.**

§ 125-14. **Exemption for privately-funded improvements.**

§ 125-15. **Application and reservation fees.**

§ 125-16. **Documentation required prior to permitting.**

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

**ARTICLE I**

**Connections**

**[Adopted 10-1-1962 by Ord. No. 164]**

**§ 125-1. Connection to public sewer required. [Amended 6-3-1996 by Ord. No. 1000]**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or for any other purpose, situated within the Town of Laurel in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within the time required by Section 417 of the Plumbing Code.<sup>1</sup>

**§ 125-1 A. Use of Portable Toilets.**

Portable toilets are not permitted within the Town of Laurel for any use, other than the following exceptions:

1. Town sponsored events
2. Public (state & town) recreational/park facilities.
3. School athletic facilities.
4. For all new construction and any renovation when water or sewer are disconnected, or the plumbing fixtures removed.
5. Special event permitted use by the Mayor and Council, which is not to exceed a 100 day period (application required one month prior to event. Application is available from the Operations Manager or Director of Code Enforcement). Fee varies depending on time portable toilet is to be requested, fees are as follows:
  - Seven days or less - \$25.00
  - 8 days to 25 days - \$50.00
  - 26 days to 50 days - \$75.00
  - 51 days to 100 days - \$100.00

***RULES/REGULATIONS FOR USE OF TEMPORARY PORTABLE TOILET USE***

1. Portable toilet must be located in the rear of the property and not visible from any street or sidewalk.
2. Portable toilet must be a minimum of ten feet away from any property line.
3. Letters of support/approval are required at time of application submittal from any neighbor that borders property.
4. A diagram of the property is required to be submitted with application showing locations of fences, sheds, etc., and of portable toilet.
5. Portable toilet is not to exceed a **100 day** period.
6. Company is to notify Director of Code Enforcement of delivery date and pickup date.
7. A copy of the service agreement is to be submitted to Director of Code Enforcement, showing servicing of portable toilet will take place a minimum of once per week.

The term “temporary public or private events” for purposes of this ordinance shall mean events of a non-routine happening or social activity bringing people together in a defined area on public property, facilities, right-of-ways or on private property, which may require Town services to insure safety and coordination. Temporary public or private events include activities such as festivals, concerts, sporting events, parades, walks, runs, family reunions, family celebratory gatherings, neighborhood and/or family pool parties or events, etc.

**FEE IS REQUIRED TO BE PAID WITHIN FIVE DAYS FOLLOWING APPROVAL GRANTED DATE. FAILURE TO PAY FEE WITHIN STATED TIME, WILL RESULT IN APPROVAL BEING WITHDRAWN**

The term “temporary public or private events” for purposes of this ordinance shall mean events of a non-routine happening or social activity bringing people together in a defined area on public property, facilities, right-of-ways or on private property, which may require Town services to insure safety and coordination. Temporary public or private events include activities such as festivals,

concerts, sporting events, parades, walks, runs, family reunions, family celebratory gatherings, neighborhood and/or family pool parties or events, etc.

**§ 125-1. B. Application Process.**

Applications will be submitted at least one month prior to the temporary public or private event on a form provided by the Town, to the Director of Code Enforcement, who will recommend approval or disapproval, state his or her reasons therefor, and forward to the Town's Operations Manager or Town Manager for final decision on the permit request. Notice of the application shall be published in a newspaper of general circulation in the Town on at least one occasion inviting written comment on the application. No decision on such application shall be made until at least 7 business days have elapsed from the date of publication.

**§ 125-1. C. Fees.**

Fees charged will vary depending upon the time period for which the portable toilet is requested. Fees per portable toilet are as follows:

- Seven days or less-\$25.00
- 8 days to 25 days-\$50.00
- 26 days to 50 days-\$75.00
- 51 days to 100 days-\$100.00
  
- Applicant will be required to pay the fee for running the required legal ad in the local newspaper

**ALL FEES ARE REQUIRED TO BE PAID WITHIN FIVE DAYS FOLLOWING THE APPROVAL DATE. FAILURE TO PAY REQUIRED FEES WITHIN SUCH STATED TIME WILL RESULT IN APPROVAL BEING WITHDRAWN.**

**§ 125-1. D. Appeals.**

All appeals from the denial of a permit shall be taken to the Board of Adjustments of the Town of Laurel within such time limits, and following such procedures, as are specified in Article II of Zoning Ordinance of the Town of Laurel regarding appeals from the review of any order, requirement, decision or interpretation by the Director of Code Enforcement/Code Enforcement Officer of the Town of Laurel.

**RULES/REGULATIONS FOR USE OF TEMPORARY PORTABLE TOILET USE**

1. Portable toilet must be located on the property so it is not visible from any street or sidewalk.
2. Portable toilet must be a minimum of ten feet away from any property line.
3. Letters of support/approval from adjoining or nearby neighbors are encouraged at time of application, and will be taken into consideration in determining whether to grant the requested permit.
4. A diagram of the property is required to be submitted with application showing locations of fences, sheds, etc., and proposed location of portable toilet.
5. Portable toilet permit shall not exceed a 100 day period.
6. The company supplying the toilet shall be requested to notify the Director of Code Enforcement of delivery and pickup dates.
7. A copy of the service agreement is to be provided to the Director of Code Enforcement, which agreement must provide for the servicing of the portable toilet a minimum of once per week.

**§ 125-2. Notice to connect. [Amended 6-3-1996 by Ord. No. 1000]**

The Town Manager, at the direction of the Mayor and Council, shall send to the owner of each property required to be connected with the public sanitary or combined sewer of the town a notice to proceed immediately to connect the property owned by him or her with the public sanitary or combined sewer. The notice required to be sent pursuant to this section shall be sent by certified mail, with return receipt requested, to the last known address of the owner.

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**§ 125-3. Failure to connect; connection by town. [Amended 6-3-1996 by Ord. No. 1000]**

If the owner fails to connect the property owned by him or her with the public sanitary or combined sewer in accordance with the notice sent pursuant to § 125-2 above, the Mayor and Council of Laurel may proceed, after the expiration of the time allowed by Section 417 of the



trust company into which shall be deposited all funds received from the payment of the Area Impact Charge and from which funds shall be expended only for the purpose of paying the principal of and interest on any bonds issued for the construction, installation, repair, maintenance or replacement of the sewage and wastewater treatment system, including the sewage treatment plant and pumping stations, the making of emergency repairs, major renovations, or extensions or expansions, or any combination thereof, to the sewer connection or treatment system, including repairs and renovations to the sewer treatment plant and pumping stations, as determined by the Town Council.

**FIRE SERVICES EQUIPMENT AND CAPITAL PURCHASES IMPACT CHARGE** – That additional one-time fee, rate, charge or assessment imposed by the Town Council on an owner or owners of a new, existing, remodeled or restored residential, commercial, institutional or industrial structure or structures or any combination thereof, to which sewer service is to be provided by the Town of Laurel, for the sole purpose of establishing a separate fund for the purchase of fire trucks and fire equipment, or for significant fire-related capital project costs. Such additional impact charge shall be payable at a time or times prescribed by the Town Council.

**FIRE SERVICES EQUIPMENT AND CAPITAL PURCHASES ACCOUNT** – Includes an account established in a bank or trust company into which shall be deposited all funds received from the payment of the Fire Services Equipment and Capital Purchaser Impact Charge and from which funds shall be expended only for the purpose of paying for the purchase of fire trucks and fire equipment, or for significant fire-related capital project costs.

**§ 125-8. Computation of area impact charge. (Amended 10-18-05 & 11-21-16)**

- A. When a new, existing remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures, or any combination thereof, is connected or is to be connected to the sanitary sewer system decreasing the reserve for furnishing sanitary sewer service to the residents and property owners of the Town of Laurel, although not requiring the construction of new facilities or the expansion or enlargement of existing facilities, the Area Impact Charge shall be

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calculated in terms of an Equivalent Dwelling Unit (EDU). Each EDU can be used to express the load producing effect on the wastewater treatment facility caused by one dwelling place. One EDU is equivalent to 250 gallons per day. Such rate to be established by and with the approval of the Council. Following the initial year Impact Charge per EDU is to be reviewed annually by the Council. Such review to take place in time to have any change in rate effective by the start of the Town of Laurel’s fiscal year, being the first day of October of each year. Equivalent Dwelling Unit (EDU) may be determined as outlined below:

- |     |                                                                                           |      |                  |
|-----|-------------------------------------------------------------------------------------------|------|------------------|
| (1) | House or dwelling with one<br>6 or more baths and bedrooms                                | 1.0  | EDU              |
| (2) | Mobile homes/manufactured homes<br>with one kitchen and one or more<br>baths and bedrooms | 1.0  | EDU              |
| (3) | Apartment with one kitchen and<br>with one or more baths and<br>bedrooms                  | 1.0  | EDU              |
| (4) | Efficiency Unit with kitchen,<br>bedroom and living space in one<br>Room and one bath     | 0.5  | EDU              |
| (5) | Motel or hotel room without<br>kitchen and with bath                                      | 0.33 | EDU              |
| (6) | Gas station with one (1)<br>one service bay                                               | 2.0  | EDU              |
| (7) | Each additional gas station<br>service bay in excess of one                               | 1.0  | EDU              |
| (8) | Retail store<br>.10 GPD/SF, 250 GPD =<br>1 EDU                                            | 1.0  | EDU<br>(minimum) |
| (9) | Laundromat<br>250 GPD/washer, 250 GPD =(minimum)<br>1 EDU                                 | 4.0  | EDU              |

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- |      |                                                   |     |                      |
|------|---------------------------------------------------|-----|----------------------|
| (10) | Office units<br><br>.3 GPD/SF, 250 GPD =<br>1 EDU | 1.0 | EDU<br><br>(minimum) |
| (11) | Barbershop                                        | 1.0 | EDU                  |
| (12) | Beauty shop, not attached to                      | 1.5 | EDU                  |

	residence, two chairs or less		
	Each additional chair	0.5	EDU
(13)	Beauty shop, attached to and formed apart of residence, two chairs or less	0.5	EDU
	Each additional chair	0.25	EDU
(14)	Manufacturing business or industry per requested/ approved daily water volume 250 GPD = 1 EDU	1.0	EDU (minimum)
(15)	Supermarkets .2 GPD/SF, 250 = 1 EDU	2.0	EDU (minimum)
(16)	Church .1 GPD/SF, 250 GPD = 1 EDU	1.0	EDU (minimum)
(17)	Public meeting hall .1 GPD/SF, 250 GPD = 1 EDU	1.0	EDU (minimum)
(18)	Restaurant, club, tavern per 20 seats or fraction thereof	1.0	EDU

The cost of all service lines from the water distribution main to the building to be served shall be entirely that of the owner.

B. In addition to the impact rates set forth in Subsection A, above, an additional fee, rate, charge or assessment as determined by a resolution adopted by the Mayor and

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Council, shall be imposed on each separate residential housing unit and each EDU attributable to commercial, institutional or industrial structure, or any combination thereof, to which sewer service has not been previously provided by the Town, for purposes of funding the Fire Services Equipment and Capital Purchases Account, as defined in Section 125-7 hereof.

**§125-8 C.**

Notwithstanding any of the other provisions contained in this Chapter or the Town Code, those persons or entities expanding existing or erecting new residential or commercial improvements within the DDD shall, upon application and approval by the Town, be entitled to a one time percentage reduction in their sewer impact fees, based upon the number of EDU's allotted to such improvements, as follows:

- 1 to 3 EDU's – 40%
- 4 to 7 EDU's – 50%
- 8 or more – 60%

ARTICLE III

**Rates**

[Adopted 4-17-2000; amended 5-21-2001-

**§ 125-9. Rates established.**

A. The Mayor and Council of the Town of Laurel set rates for providing sewer service to the citizens of Laurel as:

**Rates of EDU's**

<b>EDU</b>	<b>Rate</b>
Per EDU	\$4,000

B. In addition to the impact rates set forth in Subsection A above, an additional fee, rate, charge or assessment, as determined by a resolution adopted by the Mayor and Council, shall be imposed on each separate residential housing unit and each EDU attributable to a commercial, institutional or industrial structure, or any combination thereof, to which sewer service has not been previously provided by the Town, for purposes of funding the fire service equipment and capital purchases account, as defined in §125-7 hereof. **[Added 10-18-2005 by Ord. No. 2005-4]**

**§ 125-10. Definitions.**

An "EDU" shall mean, by definition, an equivalent dwelling unit.

ARTICLE IV  
**Reserve Fund**  
**(Adopted 8-2-04)**

**§ 125-11. Purposes.**

The purpose of this article is to establish appropriate provisions for the reserving of surpluses in the sewer fund and to not allow surpluses in the sewer fund to be used for any other purpose other than on sewer related projects or to subsidize rates.

**§ 125-12. Sewer fund surpluses.**

The Mayor and Council shall establish a reserve sewer fund to contain budgeted reserve sewer revenue and surplus sewer revenue that may occur after each fiscal year of the municipal budget cycle.

ARTICLE V  
**Reservation and Allocation of Sewer Capacity**  
**(Added 7-20-09)**

**§125-13. Sewer capacity reservation program established.**

The Town Manager or his designated representative is hereby directed to establish and maintain a sewer capacity reservation program for the allocation of existing Town sewer capacity, and as the same may change from time to time.

- A. The name of the program shall be the “Laurel Sewer Capacity Reservation Program” (hereinafter referred to as “the Program”) and shall become effective as of January 1, 2010.
- B. Participation in the Program shall be available to all owners of property located in the Town of Laurel or within the future growth area boundary as designated in the Town of Laurel Comprehensive Plan.
- C. No property owner shall have a right to or guarantee of sewer service to their property, except at the level currently provided, unless such capacity is reserved by the property owner through the Program or such capacity is provided for as set forth in Section 125-14 of this Article.
- D. All reservations or allocations of existing sewer capacity provided to property owners by the Town, formally or informally, prior to the inception of the Program

shall expire on July 1, 2010. However, if, by this date, a property owner provides to the Town an approved final site plan for his or her property that demonstrates the full use of the allocated sewer capacity, the existing reservation shall remain valid until the plan is completed or until the plan's approval expires under the provisions of the Town of Laurel Subdivision Ordinance.

- E. Sewer capacity reservations shall be issued under the Program by the Town at the Town's sole discretion. The Town may reserve either the full amount of the sewer capacity requested by a property owner or a portion thereof. Within thirty (30) days of the receipt of a Program application, the applicant property owner shall receive a notice in writing of the approval or denial of the reservation request, the amount of sewer capacity reserved, if any, and the expiration date of the reservation.
- F. Reservations of sewer capacity issued under the Program may not be transferred to any property other than that for which the reservation was issued. Should the property for which a valid sewer capacity reservation exists be subdivided, the reserved sewer capacity may be split between the subdivided parcels. Reallocation of reserved sewer capacity under this provision must be approved by the Town following the receipt of a written petition from the property owner or owners.
- G. The total amount of all sewer capacity reservations issued by the Town under the Program may not exceed the current available capacity of the existing sewer system.
- H. The following conditions will apply to a reservation of sewer capacity issued under the Program:
- i. For a property for which there is no approved final site plan involving the use of the reserved sewer capacity, a reservation issued for said property under the Program shall remain valid for a period not to exceed one (1) year from the date of issuance of said reservation.
  - ii. For a property for which there is an approved final site plan involving the use of the reserved sewer capacity, a reservation issued for said property under the Program shall remain valid for a period not to exceed two (2) years from the date of issuance of said reservation.
  - iii. For a property for which there is a recorded and approved final site plan involving the use of the reserved sewer capacity, a reservation issued for said property under the Program shall remain valid for a period not to exceed three (3) years from the date of issuance of said reservation in the case of a minor subdivision plan or five (5) years from the date of issuance of said reservation in the case of a major subdivision plan.

- iv. Reservations of sewer capacity issued under the Program shall expire if the time limit for the reservation has elapsed, if the property owner requests that the reservation be terminated according to the provisions of this section, or when the sewer connections for which the reservations are made are completed.
  - v. Property owners whose capacity reservations have expired or have been forfeited under the provisions of the section may submit a new application for capacity reservation at any time following the expiration of a prior reservation for the same property.
  - vi. The Town of Laurel Board of Adjustment shall have the power to extend any reservation issued under the Program one time for a period not to exceed one (1) year.
- I. Any reservation issued under the Program may be terminated by the property owner upon the provision of written notice to the Town of not less than thirty days prior to the intended date of said termination. Upon termination of participation in the program, a property owner relinquishes any right to existing sewer capacity reserved under the terminated reservation.
- J. All improvements to public and private sewer infrastructure necessary to provide sewer service to any property and connect to the Town's public sewer system shall remain the sole responsibility of the property owner as set forth in Article I of this chapter.

**§125-14. Exemption for privately-funded improvements.**

- A. In the event that a property owner or group of owners directly finances improvements to sewer infrastructure or facilities that increase the sewer service capacity of the Town's public sewer system, said owner or owners shall be exempt from participation in the Program in order to reserve said additional sewer capacity for the servicing of their property. For the purposes of this section, the term "sewer infrastructure and facilities" refers to sewer mains, sewer laterals, pump stations, auxiliary pumps, wastewater treatment facilities, wastewater-treatment related equipment (vehicles, tools, supplies, chemicals), and human resources for the operation and maintenance of wastewater treatment and related infrastructure and facilities.
- B. Any exemption from the Program shall take effect on the date that a signed and valid contract for the construction of said improvements is received by the Town. The additional sewer capacity to be added by such improvements shall be determined solely by the Town or its designee.

- C. In the event that said improvements were only partially financed by the property owner or were financed by a group of owners, sewer capacity shall be reserved based upon the proportion of costs paid by the owner or owners.
- D. Additional sewer capacity reserved on behalf of a property owner or owners under the provisions of this section is non-transferable to any other owner or entity, which prohibition includes the transfer of a controlling interest in any entity for which the additional sewer capacity has been reserved.

**§125-15. Application and reservation fees.**

- A. The application fee for participation in the sewer capacity reservation program and for the reservation of sewer capacity shall be established annually by the Mayor and Council. Application fees shall be due at the time that an application is submitted and shall be no less than one (1) percent of the total current connection fee costs associated with the sewer capacity to be reserved. Application fees shall be non-refundable; however, seventy-five (75) percent of the application fee paid shall be credited to the property owner for connection fees due at the time of connection of the reserved capacity. Said credit is non-transferrable. If the reservation expires or is discontinued for any reason, the total amount of the application fee shall be forfeited by the property owner.
- B. A reservation fee shall be assessed to participating property owners for each month that such reserved sewer capacity remains reserved and unused by the participating property owner. Annual reservation fees shall be no less than one-quarter (1/4) percent of the total current impact fee costs associated with the sewer capacity to be reserved. Reservation fees shall be non-refundable; however, seventy-five (75) percent of the reservation fees paid for a particular property shall be credited to the owner for impact fees due at the time of connection of the reserved capacity. Said credit is non-transferrable. If the reservation expires or is discontinued for any reason, the total amount of the reservation fees shall be forfeited by the property owner. In the event that a participating property owner fails to remit a reservation fee payment within thirty (30) days of the date due, as indicated in writing by the Town, the reservation for which said fee is due shall immediately be forfeited by the property owner and expire upon written notice from the Town of such expiration.

**§125-16. Documentation required prior to permitting.**

- A. Any property owner who wishes to improve his or her property in a manner that

requires new or expanded sewer service must apply for and obtain a letter of availability (LOA) from the Laurel Department of Public Works. The LOA shall be issued and signed by the Director of Public Works or the Town Manager and shall acknowledge the availability and commitment of existing sewer service capacity for the proposed development. The LOA shall indicate the amount of sewer capacity available for the project and the expiration date of said LOA, in any case not to exceed five (5) years from the date of issuance.

- B. Property owners demonstrating valid and current participation in the Laurel Sewer Capacity Reservation Program shall qualify for an LOA that indicates the availability and commitment of no more than the sewer capacity reserved for said property.
- C. In no circumstance shall an LOA be issued for a project until all fees, taxes, penalties, and other costs due to the Town and associated with the project, the property, or the property owner are fully satisfied. In any case, the issuance of an LOA shall be at the sole discretion of the Town.
- D. An LOA indicating that sewer service in sufficient quantity is available and committed for an approved development or a portion thereof shall be presented to the permitting official prior to the issuance of a building permit for the proposed improvement or a portion thereof.

## **SMOKING**

### **§ 132-1. Smoking prohibited in certain areas.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 11-16-1992. Amendments noted where applicable.]**

### **§ 132-1. Smoking prohibited in certain areas. [Amended 3-6-2000]**

Smoking of tobacco products is prohibited in the Municipal Building and Storage Records Building.

§ 136-1

SOLID WASTE

§ 136-1

### **Chapter 136**

**SOLID WASTE**







STREETS AND SIDEWALKS

**Chapter 141**

**STREETS AND SIDEWALKS**

ARTICLE I

13605



It shall be unlawful for any person, firm or corporation to dig into, open or excavate in or under the bed of any street, road, highway, lane, alley or sidewalk in the Town of Laurel for the purpose of placing, erecting, laying or repairing therein, or thereunder, any poles, pipes, mains, wires or conduits, or for any other purpose, without first obtaining a permit therefor from the Town Manager; provided, however, that no permit shall be required in the case of any extreme emergency which requires the immediate digging into, opening or excavating in order to preserve life or property. In the event of such an extreme emergency anytime the Town Office is closed, prior to any digging, opening or excavating, the Laurel Police will be contacted, who in turn will notify the proper town officials. All required reports, permits, etc., required under an emergency condition shall be obtained from the Town Manager on the next regular business day. At the time of such report, the person, firm or corporation shall be required to explain, in writing, the cause or nature of the emergency and shall state the name of the street and location where such opening or excavation has been made, the purpose, depth and width of the opening or excavation and the date when the opening or excavation shall be completed. At the time of such report, a bond, as hereinafter required, shall be posted, except for persons, firms or corporations who have applied for and received a license to practice plumbing within the corporate limits of the Town of Laurel.

**§ 141-2. Written application; bond; fee.**

Any person, firm or corporation desiring to dig into, open or excavate in or under any such street, road, highway, lane, alley or sidewalk for any such purpose as hereinbefore set forth shall first make written application to the Town Manager for a permit for such work, stating in such application the name of the street and the location where such an opening or excavation is to be made, the purpose, depth and width of the opening or excavation, the date when the work will be commenced and the date when it will be completed. Such application shall be accompanied by a good and sufficient bond in the sum of five hundred dollars (\$500), conditioned that the person, firm or corporation that will do such digging into, opening or excavating will faithfully observe all the laws pertaining to such digging into, opening or excavating; further, that the Mayor and Council of Laurel shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm or corporation engaged in the digging into, opening or excavating of any street, as hereinbefore required, or by any unfaithful, inadequate work done either by such person, firm or corporation or their agents, servants, employees or independent contractors and that such person, firm or corporation will maintain in a safe condition for a period of one (1) year all such openings or excavations, and further that all dirt and

**14102**

§ 141-2

**STREETS AND SIDEWALKS**

§ 141-4

other material excavated will be replaced in a good condition pursuant to the ordinances of the Town of Laurel. The Town Manager, upon receipt of the application and the bond, as hereinbefore set forth, and the payment fee of five dollars (\$5), shall then issue a permit for such opening or excavation, subject to the terms and conditions of this Article and upon being satisfied that it is to be made in a proper location and for a proper purpose; provided, however, that a person, firm or corporation engaged in the business of plumbing within the corporate limits of the Town of Laurel who has furnished the Mayor and Council of Laurel with a good and sufficient bond pursuant to the

provisions of the Plumbing Code of the Town of Laurel<sup>1</sup> shall not be required to furnish a bond pursuant to the provisions of this Article.

**§ 141-3. Maintenance of excavation site; restoration of street.**

Any person, firm or corporation receiving such a permit as prescribed by this Article shall complete the work thereunder as promptly as possible and shall take all reasonable precautions to avoid accidents to person and property, and shall protect properly the public from injury by reason of any such opening or excavation. Any hole, opening, excavation, obstruction or dangerous area created incident to such work shall be roped off or otherwise guarded and amber lights shall be maintained and kept thereat for a period of one (1) hour before sunset to one (1) hour after sunrise. Upon completion of the work, every such person, firm or corporation shall fully fill any such opening or excavation so made and shall immediately repair and restore the street or way disturbed thereby to its original condition or to as good a condition as it was previously thereto, pursuant to the Town of Laurel Requirements for Cutting and Repairing Openings in Existing Roadways, which is incorporated herein and made a part of this Article as though fully set out herein.<sup>2</sup>

**§ 141-4. Failure to maintain or repair excavation.**

In case any such person, firm or corporation shall fail to so repair, restore or maintain such street or way for forty-eight (48) hours after written notice to do so was given by the Town Manager, then said Town Manager shall proceed to properly repair, restore and maintain such street or way at the cost and expense of such person, firm or corporation, and in such case, an action may be brought in the name of Mayor and Council of Laurel against such person, firm or corporation and against the surety on the bond for such costs and expenses.

§ 141-5

STREETS AND SIDEWALKS

§ 141-5

**§ 141-5. Violations and penalties.<sup>3</sup>**

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<sup>1</sup> Editor's Note: See Ch. 110, Plumbing.

<sup>2</sup> Editor's Note: Said requirements are included at the end of this Article.

**14103**

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

**14104**

Every person, firm or corporation who violates any of the provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned for a period of thirty (30) days, or both, and shall pay the costs of prosecution, in addition to any other remedies provided by law or this Article.

**Requirements for cutting and repairing openings in existing roadways.**

*(See Code Book for diagrams for requirements for cutting and repairing openings in existing roadways.)*

Notes:

1. The repaving thickness shown in the diagrams for requirements for cutting and repairing openings in existing roadways are minimum and shall be increased if the existing base and surface course are thicken than what is shown in the details.
2. Backfill in trench shall be material removed from the trench that is approved by the town or approved select borrow. The backfill shall be thoroughly compacted by tamping or by some other approved method in six-inch layers.
3. Whenever sheeting and shoring is required to prevent cave-ins or comply with safety regulations due to the depth of trench or type of material encountered, the sheeting, whenever found necessary, shall remain in place and shall be cut off two (2) feet below the surface of the roadway.
4. When the existing road surface is bituminous surface treatment, a three-ply treatment shall be substituted for the two-inch hot mix topping.
5. Seal edge of all hot mix repaving, if visible cracks appear, with crack sealer asphalt.

ARTICLE II

**Snow and Ice Removal**

**[Adopted 2-4-1985 as Ord. No. 736]**

§ 141-6

STREETS AND SIDEWALKS

§ 141-10

**§ 141-6. Accumulation of snow and ice prohibited.**

Permitting accumulated ice or snow to remain upon sidewalks and pavements for more than twenty-four (24) hours after the falling of snow has ceased or longer than twenty-four (24) hours after ice has accumulated within the Town of Laurel be and same is hereby declared to be a common and public nuisance.

**§ 141-7. Notice to remove. (Amended 3-18-03)**

The Town Manager, or his designated representative, be and he is hereby authorized and directed to remove any accumulated snow and ice from any property located within the corporate limits of the Town of Laurel whose owner fails to remove accumulated snow within twenty-four (24) hours after the falling of snow has ceased or the accumulation of ice within twenty-four (24) hours after the ice has accumulated from any sidewalk or pavement in front or along the side of any property.

**§ 141-8. Notice valid for one year.**

The owner or occupier of any property located within the corporate limits of the Town of Laurel having in any calendar year received notice pursuant to the provisions of this Article shall be deemed to have received notice for the remainder of that calendar year.

**§ 141-9. Failure to remove. (Amended 3-18-03)**

Upon the failure, neglect or refusal of any owner or occupier of any property to remove accumulated snow or ice within twenty-four hours after the falling of snow has ceased or longer than twenty four hours after ice has accumulated for any reason whatsoever, the Town Manager is authorized to remove or cause to be removed any accumulated snow or ice and to pay the cost of such removal.

**§ 141-10. Costs for removal by town.**

Whenever the Town Manager has effected the removal of accumulated snow or ice from any sidewalk or pavement and has paid the cost of such removal or has incurred costs for such removal pursuant to the provisions of this Article, the Town Manager shall cause an invoice for the actual cost of removing such snow or ice, together with an additional charge of twenty percent (20%) of the actual cost in order to pay administrative expenses, and accrued interest at the rate of ten percent (10%) per annum from the date of completion of the work, if the cost of such removal is not paid by the owner within thirty (30) days from the date of such invoice. If such invoice shall not be paid, the

**14105**

§ 141-10

STREETS AND SIDEWALKS

§ 141-12

Town Manager be and he is hereby authorized and directed to add such charge to the owner of said property on the next regular tax bill. In the alternative, the Town Manager be and he is hereby authorized to effect collection of said invoice by bringing suit in a court of competent jurisdiction at any time after the expiration of thirty (30) days from the date of the sending of the invoice.

**§ 141-11. Time period for removal.**

It shall be unlawful for any owner or occupier of any property within the corporate limits of the Town of Laurel in front or along the side of which a sidewalk or pavement has been constructed or installed to permit the accumulation of ice or snow to remain on such sidewalk or pavement for a

period of longer than twenty-four (24) hours after the falling of snow has ceased or longer than twenty-four (24) hours after the ice has accumulated.

**§ 141-12. Violations and penalties.<sup>4</sup>**

Any person, firm or corporation who fails, refuses or neglects to remove accumulated snow within twenty-four (24) hours after the falling of snow has ceased or ice within twenty-four (24) hours after the ice has accumulated shall be deemed guilty of a misdemeanor and upon conviction thereof 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 thirty (30) days, or both, and shall pay the costs of prosecution and the assessment for the Victim Compensation Fund. For the purposes of this Article, each day that a violation continues shall be deemed to be a separate offense.

SUBDIVISION OF LAND

**Chapter 145**

SUBDIVISION OF LAND

[A comprehensive revision of the subdivision regulations of the town was under review by the Town Council at the time of completion of this volume. Upon approval and adoption by the town, it will be included here.]

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<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.



**§ 149-1. Adoption of standards. (Amended 6-16-14)**

The 2012 International Residential Code including Appendix G thereof and the Zoning Ordinance of the Town of Laurel as adopted, or the most recent version of the International Building Code and Town of Laurel Zoning Ordinance as adopted by Mayor and Council.

**§ 149-2. Additions, deletions and modifications. (Amended 6-16-14)**

Any person, firm or corporation or agent thereof who shall violate any provision of this chapter or shall fail to comply therewith or with any of the requirements thereof or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 for the first offense, not less than \$250 for the second offense and not less than \$500 for each offense thereafter; or imprisoned for a term not to exceed 30 days, or both, and shall pay all costs of prosecution. For the purposes of this chapter, each day during which any violation of any of the provisions of this chapter occurs shall be deemed to be a separate offense.

TAXATION

**Chapter 152**

## **TAXATION**

### **ARTICLE I Pole Tax**

- § 152-1. Levying of tax.**
- § 152-2. Payment due upon demand; extension.**
- § 152-3. Violations and penalties.**

### **ARTICLE II Real Estate Transfer Tax**

- § 152-4. Impositions.**
- § 152-5. Allocation of taxes; duty to pay.**
- § 152-6. Effect of failure to pay; interest; penalties; liens.**
- § 152-7. Construction, operation and interpretation.**
- § 152-8. Exemptions.**
- § 152-9. Effective Date.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel: Art. I, 5-3-1927 as Ord. No. 37; Art. II, 9-11-1989 at Ord. No. 362. Amendments noted where applicable.]**

## ARTICLE I

### Pole Tax

**[Adopted 5-3-1927 as Ord. No. 37]**

#### **§ 152-1. Levying of tax.**

There shall be levied and imposed annually upon each telegraph, telephone and electric light poles in the Town of Laurel the following tax: for each telephone, telegraph and electric pole the sum of one dollar (\$1).

#### **§ 152-2. Payment due upon demand; extension.**

The said tax shall be due and payable upon demand, in writing, by the Town Clerk; provided, however, that the said Town Clerk may extend the time for payment of said tax for a period not to exceed thirty (30) days from the day of making said demand.

#### **§ 152-3. Violations and penalties.**

If any person or corporation against whom a tax shall be levied and imposed under the provisions hereof shall fail to pay said tax for the space of ten (10) days after demand, in writing, as aforesaid unless the time for payment is extended as aforesaid, such person or corporation shall be guilty of a misdemeanor under the jurisdiction of the Charter of Laurel and, upon conviction, shall be imprisoned for a term of not exceeding thirty (30) days, or both. It shall be lawful also for said Clerk of the Town of Laurel to institute an action of debt for the recovery of said tax before any Justice of the Peace, resident in the Town of Laurel.

## ARTICLE II

### Real Estate Transfer Tax

**[Adopted 9-11-1989 as Ord. No. 362]**

**{Amended 8-17-1998}**

**HISTORY: Adopted by the Town Council of the Town of Laurel Art. II 9-11-89 as Ord. No. 362. Amended in its entirety on 8-17-98.**

#### **§ 152-4. Imposition**

There is hereby imposed upon the transfer of all real property located within the town limits, as they now or hereafter exist, a tax of one and one-half percent (1 ½%) of the value of the property conveyed in conformance with the definitions and exception governing the state realty transfer tax as contained within 30 Del. C. Section 5401 et seq., and all amendments heretofore or hereafter adopted. However, in addition, there shall be no tax imposed on those transfers where all grantees qualify as a first time home buyer. A “first time home buyer”, for purposes of this section, shall mean a natural person who, individually, or as a tenant by the entireties, joint tenant or co-tenant, has at no time held any interest in residential real estate wherever located and which has been occupied as their principal residence, and who intends to occupy the property being conveyed as his or her principal residence within ninety (90) days following recordation.

#### **§ 152-5. Allocation of taxes; duty to pay. (Amended 5-17-21)**

Any tax imposed by this ordinance shall be apportioned equally between the grantor and the grantee; with the exception of First Time Home Buyer(s) and Seller. The seller shall not be exempt from their portion of the Realty Transfer Tax. However, the parties to any transaction which is subject to the realty transfer tax imposed by this article may, as between themselves, agree to allocate the tax otherwise; but in all events, it shall be the ultimate responsibility of the grantee to see that the appropriate amount of tax is paid no later than the presentation of the document involved in such transaction for recording at the appropriate recorder of deeds office. Upon receipt of the appropriate amount, the Town office or its duly authorized agent shall, upon the document relating to such transaction, confirm that the tax imposed by this ordinance has been paid. The Town may appoint the Sussex County Recorder of Deeds, any bank or trust company or any attorney-at-law as its duly authorized agent to collect a realty transfer tax imposed by this ordinance and to confirm such payment on the face of the document presented for recording.

#### **§ 152-6. Effect of failure to pay; interest; penalties; liens.**

Where any real property within the Town is transferred without payment of the appropriate real estate transfer tax in violation of this ordinance:

1. The amount due shall bear interest at the rate of one-half percent (1/2%) per month commencing with the date that such document is duly recorded in Sussex County Recorder of Deeds Office and the transferee in such transaction shall be personally liable for the full amount of such tax, plus all accrued interest to date of payment.

2. The amount of such tax, together with the accrued interest thereon, shall constitute a charge or assessment against the property so transferred and shall be a lien against the property so transferred in accordance with the procedures set forth in the Charter of The Town of Laurel and/or in accordance with the procedures set forth in the general statutes of the state regarding municipal

items.

3. Where any document involved in a transaction subject to the tax imposed by this ordinance is recorded without payment therefore, the grantee shall, upon conviction before any court of competent jurisdiction, pay a fine of five hundred dollars (\$500.00)

#### **§ 152-7. Construction, operation and interpretation.**

This ordinance shall be applied, construed and interpreted in the same manner as is the state realty tax transfer tax as set forth in 20 Del. C. §5401, et seq. as it may have heretofore been or is hereafter amended, it being the intent of this ordinance that it apply whenever the state's realty transfer tax applied, except in regard to the additional first-time home buyer's exemption allowed by the Town; provided, however, that:

1. In applying the provisions of the state's realty transfer tax statute through this ordinance, "The Town of Laurel" shall be substituted (where appropriate) for the "State of Delaware", "Department of Finance", "Division of Revenue" or the like.

2. The provisions of 3. Del C. Section 5405 (Documentary Stamps; Affixing; Cancellation; Other Methods"), 5406 ("Furnishing Stamps; Sales; Agents: Compensation: Bond Premiums"), 5407 ("Enforcement; Rules and Regulations:), 5408 ("Failure to Affix Stamps"), 5412 ("Grantor to Pay Tax"), 5414 ("Grantor to Pay Tax Receipts") or any future corresponding provisions of law shall not be held applicable to the operation and application of this ordinance.

3. The unlawful acts set out at 30 Del. C. Section 5410 now and as it may hereafter be amended shall, to the extent applicable to the Town ordinance ad not otherwise superseded hereby, likewise be unlawful acts under this ordinance, conviction for which shall result in a fine of five hundred dollars (\$500.00).

4. Where any provisions of 30 Del. C. Section 5401 et seq. is inconsistent with this ordinance, the provisions of this ordinance shall control; and wherever any provision of 30 Del. C. Section 5401 et. seq. is not applicable or appropriate, it shall be disregarded or construed so as to best achieve the purpose of this ordinance, which is that whenever a realty transfer tax becomes due to the state under 30 Del. C. Section 5401 et. seq. except as to a first time home buyer, as defined above, a realty transfer tax of one and one half percent (1 ½%) shall likewise become due to the Town.

#### **§ 152-8. Effective Date.**

This ordinance and/or amendment to this ordinance shall take effect at 12:01 a.m. on August 18, 1998.

### Synopsis

The purpose of this ordinance is to establish a one and one-half percent (1 ½%) real estate transfer tax for the Town of Laurel to be collected at the time of transfer of any real property within the corporate limits. Revenues collected from this tax will be separated in a separate account or fund for use only in accordance with the restrictions contained in 71 Delaware Laws, Chapter 349. (Transfers by will, spousal conveyances, conveyances from parent to child, conveyances to non-profits, conveyances to a first-time home buyer and other specified conveyances would not be subject to the tax.)

**[The standards, specifications and details for public works construction adopted 5-2-2005 by Ord. No. 2005-2 and amended on 6-2-08 by Ord. No. 2008-7, are on file in the Town Clerk's Office]**