

HOUSING STANDARDS

Chapter 87

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§ 87-85. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of Laurel 11-20-1989 as Ord. No. 740. Amendments noted where applicable.]

Article II.
Vacant Structures

§ 87-86. Purpose: applicability: definitions.

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GENERAL REFERENCES

Brush, grass and weeds – See Ch. 55.
Building construction – See Ch. 59.
Property maintenance – See Ch. 114.
Solid waste – See Ch. 136.

§ 87-1. Title

This chapter shall be known as “The Housing Code of the Town of Laurel.”

§ 87-2. Purpose.

This Code is hereby declared to be remedial and shall be construed to secure the beneficial interest and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of residential buildings.

§ 87-3. Applicability.

- A. The provisions of this Code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation, regardless of when such building or buildings may have been constructed.
- B. Buildings or structures moved into or within the jurisdiction of the Town of Laurel shall comply with the requirements of this Code.

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§ 87-4. Alterations or repairs.

Alterations, repairs or rehabilitation work may be done to any existing building without requiring the building to comply with all the requirements of this Code, provided that the alteration, repair or rehabilitation work conforms to the requirements of this Code for new construction. The Code Enforcement Officer shall determine, subject to appeal to the Board of Adjustments and Appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of this Code for new construction.

§ 87-5. Existing buildings.

Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe.

§ 87-6. Occupancy classification.

If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of this Code for new occupancy classification as established by the Code Enforcement Officer.

§ 87-7. Repairs to existing nonconforming structures.

Repairs and alterations not covered by the preceding sections of this chapter, restoring a

building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Code, or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those which the building is constructed; but not more than twenty-five percent (25%) of the roof covering of the building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to comply with the requirements of this Code for new buildings.

§ 87-8. Historic buildings.

The provisions of this Code, relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the State of Delaware as historic buildings when such buildings or structures are judged by the Code Enforcement Officer to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a professional engineer or architect issued by the State of Delaware when construction, alteration, repair, enlargement, restoration, relocation or moving buildings or structures identified and classified by the State of Delaware as historic buildings.

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§ 87-9. Maintenance of structures and premises.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code in a building when erect, altered or repaired shall be maintained in good working order. The owner, or his or her designated agent, shall be responsible for the maintenance of buildings, structures and premises.

§ 87-10. Construal of provisions.

- A. Nothing in this Code shall be construed to modify, cancel or set aside any provision of the Laurel Zoning Ordinance.¹
- B. The provisions of this chapter shall be liberally construed to minimize displacement of persons whose dwelling units may deviate from the specifications of this chapter, but do not pose an imminent threat to the health, safety or general welfare of the occupants and other persons. Additionally, this chapter shall be construed liberally so as to minimize hardships to persons that inhabit or own dwellings which deviate from the specifications of this chapter, but do not pose an imminent threat to the health, safety and general welfare of the applicants and other persons.

¹ Editor's Note: See Ch. 175. Zoning.

§ 87-11. Enforcement.

The provisions of this chapter shall be enforced by the Code Enforcement Officer.

§ 87-12. Conflict of interest.

An officer or employee of the Town of Laurel, except on whose only affiliation is as a member of the Board of Adjustment, shall not be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, or in the making of plans or specifications therefor; unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interest of the town.

§ 87-13. Enforcement record to be kept. [Amended 8-3-1998]

The Code Enforcement Officer shall keep, or cause to be kept, a record concerning enforcement of this chapter. The public inspection of these records must comply with 29 Del. C. § 1000.

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§ 87-14. Right to enter premises.

The Code Enforcement Officer shall enforce the provisions of this chapter, and he or she, or his or her duly authorized representative, upon presentation of proper identification to the owner, agent or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house or premises during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which event the above limitations shall not be applicable.

§ 87-15. Unsafe buildings.

All residential buildings or structures used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which constitute a fire hazard, or which are otherwise detrimental to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are hereby considered unsafe buildings. All such unsafe buildings are hereby declared illegal and a common and public nuisance and may be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

- A. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he or she shall give notice of such alleged violation to the person or persons responsible therefor, and such alleged violation shall constitute a common and public nuisance. Such notice shall:

- (1) Be put in writing.
- (2) Include a statement of the reasons why the notice is being issued.
- (3) Allow not less than 30 days for the performance of any act which the notice requires.
- (4) State that if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the Code Enforcement Officer shall institute such legal proceedings charging the person or persons, firm, corporation or agent with the violation of the provisions of this chapter.

B. Service of the notice shall be as follows:

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- (1) By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;
- (2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid; or
- (3) By posting and keeping posted for 24 hours, a copy of the notice in a conspicuous place on the premises to which the notice relates.

§ 87-16. Additional requirements.

Any requirement not specifically covered by this chapter found necessary for the safety, health and general welfare of the occupants of any dwelling shall be determined by the Code Enforcement Officer subject to appeal to the Board of Adjustment.

§ 87-17. Liability.

Any officer or employee or member of the Board of Adjustment charged with the enforcement of any provision of this chapter, in the discharge of his or her duties, shall not render himself or herself personally liable, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer or employee because of any action taken pursuant to the provisions of this chapter shall be defended by the town until final termination of the proceedings.

§ 87-18. Yearly report.

The Code Enforcement Officer shall submit a report to the Town Council covering the work of enforcement of this chapter during the preceding year. The Code Enforcement Officer shall incorporate in said report a summary of the decisions of the Board of Adjustment during said year.

§ 87-19. Inspection; right of entry.

The Code Enforcement Officer shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the Code Enforcement Officer, or his or her duly authorized agent, is hereby authorized to enter, examine and survey at all reasonable times all residential buildings and premises. The owner occupant of every residential building or the person in charge thereof shall give the Code Enforcement Officer free access to such residential building and its premises at all reasonable times for the purpose of such inspection, examination and survey. If any owner, occupant or other person in charge of a residential building or premises refuses, impedes, inhibits, interferes with, restricts or

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obstructs entry and free access to any part of said building or premises, the Code Enforcement Officer is authorized to seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge of said premises cease and desist from such interference.

§ 87-20. Right to appeal. [Amended 2-3-1997]

Whenever the literal application of the requirements of this chapter would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this chapter or of any regulation therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the Code Enforcement Officer to the Board of Adjustment as created under the ordinance establishing comprehensive zoning regulations for the Town of Laurel, Delaware, as amended, as set forth herein.

§ 87-21. Board of Adjustment. [Amended 2-3-1997]

The Board of Adjustment to whom a right of appeal shall lie in accordance with § 87-20 above shall be the Board of Adjustment created under the ordinance establishing comprehensive zoning regulations for the Town of Laurel, Delaware, as amended. All members of the Board of Adjustment shall serve without compensation.

§ 87-22. Organizational meeting. [Amended 2-3-1997]

The Board of Adjustment shall meet upon its appointment and organize by electing a Chairman and Secretary from among its own number.

§ 87-23. Duties of Board. [Amended 2-3-1997]

The duties of the Board of Adjustment shall be as follows:

- A. To consider and determine appeals whenever it is claimed that the true intent and meaning of this chapter or any of its regulations have been misconstrued or wrongly interpreted.
- B. To permit, in appropriate cases where the application of any requirement of this chapter in the allowance of the stated time for the performance of any action required hereunder would cause undue hardship on an owner, one or more extensions of time, not to exceed 120 days each, from the date of such decision by the Board. Applications for additional extensions of time shall be heard by the Board. Such requests for additional extensions of time shall be filed with the Code Enforcement Officer not less than 30 days prior to the expiration of the current extension.

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- C. An appeal shall not be considered where an appeal has previously been decided involving the same premises and the same cause.

§ 87-24. Establishment of rules of procedure. [Amended 2-13-1997]

The Board of Adjustment shall establish its own rules of procedure for accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of this chapter or the laws of the State of Delaware.

§ 87-25. Decisions by Board. [Amended 2-3-1997]

All decisions of the Board of Adjustment to vary the application of any provision of this chapter or to modify an order of the Code Enforcement Officer shall specify in which manner such variance or modification is made, the condition upon which it is made and the reasons therefor. Every decision shall be in writing and a copy of all decisions shall be filed with the Code Enforcement Officer and shall be open to public inspection. The Secretary of the Board shall notify the applicant in writing of the final action of the Board.

§ 87-26. Filing of appeal. [Amended 2-3-1997]

Any person receiving written notice from the Code Enforcement Officer of deficiencies regarding his or her property under this chapter may, within 10 days following the date such notice is received by the property owner, file an appeal in writing with the Board of Adjustment. Such appeal shall state the location of the property, the date of the notice of the violations, the number of the violations and the date the notice was received. The applicant must state the variance or modification requested, the reasons therefor and the hardship or conditions upon which the appeal is based. An appeal pursuant to this section shall stay the effect of the notice of violation or condemnation and all proceedings in furtherance of this action appealed from pending the decision

of the Board of Adjustment. Any appeal to the Superior Court of the State of Delaware, in and for Sussex County, by a person aggrieved by a decision of the Board of Adjustment, shall be made in the manner provided for appeals from administrative decisions. The Board of Adjustment shall hear all appeals relative to the enforcement of this chapter within its jurisdiction within a reasonable time after the filing of an appeal and by a concurring vote of a majority of all the members of the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the action appealed from and shall make such other order or determination as is determined just. Failure to secure such concurring vote shall be deemed a confirmation of the decision of the Code Enforcement Officer. No member of the Board of Adjustment shall participate in any hearing or vote on any appeal in which that member has a direct or indirect financial interest. Each application for an appeal as provided in this chapter shall be accompanied by a fee payable to the Town of Laurel in the amount of \$250 to cover costs.

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§ 87-26.1. Appeals pursuant to § 87-20. [Added 2-3-1997]

The Board of Adjustment created pursuant to the ordinance establishing comprehensive zoning regulations for the Town of Laurel, Delaware, as amended, in hearing appeals pursuant to § 87-20 above, shall apply the standards, guidelines and procedures set forth in §§ 87-20 through 87-26 above, rather than the standards, guidelines and procedures relating to appeals, special exceptions and the granting of variances, as set forth in Article XIII of the ordinance establishing comprehensive zoning regulations for the Town of Laurel, Delaware, as amended.

§ 87-27. Word use and definitions. (Amended 11-3-03 & 6-4-18)

A. Word use.

- (1) Words used in the present tense include the future tense.
- (2) For the purposes of this chapter, the singular includes the plural and the plural includes the singular.
- (3) Unless otherwise expressly stated, where terms are not defined under the provisions of this chapter, they shall have ascribed to them their ordinarily accepted meanings or such as the context may imply.
- (4) Whenever the words “multifamily dwelling,” “residence building,” “dwelling unit,” “mobile home” or “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

B. Definitions. For the purpose of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:

APPROVED – As applied to a material, device or method of construction, shall mean approved by the Code Enforcement Officer under the provisions of this chapter or approved by other authority designated by law to give approval in the matter in question.

BASEMENT – That portion of a building which is partly below and partly above grade, and having at least one-half (1/2) of its height above grade. (See “cellar.”)

BEDROOM – Any room or space intended to be used for sleeping purpose and has a closet.

BLIGHT – Shall include, but not be limited to, presently unused materials, objects, appliances, auto parts and accessories or waste that are allowed to accumulate and remain in the front and side yards of both occupied and vacant structures for more than 30 days. Included within this definition are object that may otherwise be presently serviceable but which are allowed to remain in place in front and side yards as to be unsightly and subject to deterioration.

BOARDINGHOUSE, LODGING HOUSE and TOURIST HOMES – A building where, for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for one (1) or more persons but containing no more than five (5) guest rooms or rental units.

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CELLAR – That portion of a building which is partly or completely below grade and having at least one-half (1/2) of its height below grade. (See “basement.”)

CENTRAL HEATING – The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside those rooms.

CODE OFFICIAL – The Code Enforcement Officer of the Town of Laurel.

CONDEMN – To adjudge a building unfit for human habitation or residential use.

DORMITORY – A building in which group sleeping accommodations are provided in one (1) room or in a series of closely associated rooms for persons not members of the same family.

DWELLING UNIT – A single unit providing complete, independent living facilities for a single family, including a mobile home, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY AREA – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION – The control and elimination of insect, rats or other pests or vermin by eliminating their harborage places by removing or making inaccessible materials that may serve as their food by poison spraying, fumigating, trapping or by another approved pest elimination method.

FAMILY – An individual or two (2) or more persons who are related by blood, marriage or adoption, living together and occupying a single dwelling unit with single culinary facilities or a group of not more than four (4) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost-sharing basis. Domestic servants, employed and residing on the premises, shall be considered as part of the family.

GARBAGE – The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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HABITABLE SPACE – That space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered “habitable space.”

HOTEL – Any building containing more than five (5) guest rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

INFESTATION – The presence within or contiguous to a structure or premises of insects, rats, vermin or other pests.

MAINTENANCE – The conformity of a building and its facilities to the provisions of this chapter under which the building was constructed.

MOBILE HOME – A one-family dwelling designed for transportation after fabrication on streets and highways on its wheels or supported on other vehicles or trailers, but which is not self-propelled and arriving at the site where it is to be occupied complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, supported on jacks or other foundations and connected dot utilities and the like.

MULTIFAMILY APARTMENT HOUSE – A building or portion thereof containing more than two (2) dwelling units and not classified as a one-or-two-family dwelling.

OCCUPANT – Any person over one (1) year of age, including owner or operator, living and

sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

ONE-FAMILY DWELLING – A building containing a living unit designed and intended for use by only one (1) family.

OPENABLE AREA – That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR – Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

OVERCROWDED – A dwelling when its occupancy exceeds the maximum number of persons permitted by this chapter.

OWNER – Any person, firm or corporation having a legal or equitable interest in the premises or any agent thereof.

PERSON – Any individual, natural person, joint-stock company, partnership, voluntary
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association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

PLUMBING – The labor, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances.

PLUMBING FIXTURES – A receptacle or device which is either permanently or temporarily connected to the water distribution of the premises and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises,

PREMISES – A lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC NUISANCE – Includes the following:

- A. The physical condition, or use of the premises regarded as a public nuisance at common law;
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

- C. Any premises designated as having unsanitary sewage or plumbing facilities;
- D. Any premises designated as unsafe for human habitation;
- E. Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure so as to endanger life, limb or property;
- F. Any premises from which the plumbing, heating or other facilities required by this chapter had been removed, or from which utilities such as water, sewer, gas and electricity have been disconnected, distorted, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
- G. Any premises which are unsanitary or which are littered with garbage or rubbish, or which have an uncontrolled growth of weeds; or
- H. Any building or structure that is in an advanced state of dilapidation, deterioration or decay; has faulty construction, is overcrowded, open, vacant or abandoned; is

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damaged by fire to the extent that adequate shelter is not provided; is in danger of collapse or structure failure and is dangerous to anyone upon or near the premises.

RENOVATION – Work on a building in and its facilities to make it conform to present-day minimum standards of sanitation, fire and life safety.

RESIDENCE BUILDING – A building in which sleeping accommodations, toilet, bathing and cooking facilities as a unit are provided.

ROOMING UNIT – Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.²

RUBBISH – Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust and other similar materials. Rubbish shall further be deemed to include those materials, objects and other items described under the above definition of “BLIGHT”.

STRUCTURES – That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy or use whatsoever, including fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rest on a permanent foundation or on the ground.

² Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

secure and sanitary condition as provided by this chapter so as to not cause blight or adversely affect the public health or safety of the community.

§ 87-30. Accumulation and storage of garbage. (Amended 6/4/18)

- A. All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.
- B. Garbage, vegetable waste or other putrescible material shall be stored in leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

§ 87-31. Premises to be graded.

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon.

§ 87-32. Infestation; extermination.

All premises shall remain free of insects, rats, vermin or other pest in all exterior areas of the premises. An owner shall be responsible for extermination, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Extermination in the shared or public parts of premises of other than a single-family dwelling shall be the responsibility of the owner.

§ 87-33. Growth of weeds.³ (Ammended 6-16-14)

All premises in residential areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare and shall be trimmed to a height of not more than **six (6)** inches.

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§ 87-34. Exhaust systems.

Except as to previously existing and operating exhaust systems, no person shall construct, maintain or operate pipes, ducts, conductors fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste as to as to discharge directly upon abutting or adjacent public or private property or property of another tenant.

³ Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I

§ 87-35. Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with the provisions of this chapter.

§ 87-36. Maintenance of supporting structures.

- A. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.
- B. All supporting structural members of a structure shall remain structurally sound, free of deterioration and capable of safely bearing the dead and live loads imposed upon them.
- C. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition so as to exclude rats.
- D. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, plumb and free from open cracks and breaks, except as necessary to release excessive water pressure on the wall so as not to be detrimental to public safety and welfare.
- E. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof so as to prevent deterioration.

§ 87-37. Roofs.

The roof shall be structurally sound, tight and not have defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portions of the building.

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§ 87-38. Decorative features.

All cornices, trim and wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

§ 87-39. Signs and other overhanging extensions.

All canopies, marques, signs, metal awnings, stairways, fire escapes, standpipes, exhaust

ducts and similar overhang extensions shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and sound condition and shall be protected from the elements and against decay.

§ 87-40. Chimneys.

All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of wood or metal shall be protected from the elements and against decay.

§ 87-41. Stairs and porches.

Every stair, porch, balcony and all appurtenances attached thereto shall be so maintained as to be safe to use and capable of supporting the loads to which it may be subjected and shall be maintained in a safe and sound condition of repair.

§ 87-42. Windows, doors and frames.

- F. Every window, door and frame shall be maintained in such condition relating to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the building.
- G. Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used as necessary to exclude wind or rain from entering the dwelling or structure and shall be kept in a sound condition and good repair.
- H. Every repaired window sash shall be fully supplied with glazing materials which securely hold and place window glass.
- I. Every window, other than an affixed window, shall be capable of being opened and shall be held in position by window hardware.

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§ 87-43. Doors.

Every exterior door, door hinge and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

§ 87-44. Basement windows.

Every basement or cellar hatchway or window shall be so maintained as to prevent the entrance of rats, rain and surface drainage into the structure.

§ 87-45. Interior structural soundness.

The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to health and safety of the occupants and to protect the occupants from the environment.

- A. The supporting structural members of every building shall be maintained structurally sound and not showing any evidence of deterioration which would render them incapable of bearing the imposed loads.
- B. Floors, walls, including windows and doors, ceilings and other interior surfaces, shall be maintained in a good, clean and sanitary condition.
- C. Lead-base paint with a lead content of not more than five-tenths percent (0.5%) shall not be applied to any interior/exterior surface of a building or dwelling unit, including fences and outbuildings, upon any premises.
- D. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.
- E. Cellars, basements and crawl spaces shall be maintained free from standing water so as to prevent conditions conducive to decay or deterioration of the structure.
- F. The interior of every structure shall be maintained in a clean and sanitary condition free of any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities.
- G. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.
- H. All structures shall be kept free from insect and rat infestation and, where insects or rats are found, they shall be promptly exterminated by acceptable processes which

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will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

- I. Every door available as a unit shall be capable of being opened easily from the inside.
- J. Stairs, porches, railings and other exit facilities shall be adequate for safety.
- K. All interior stairs and railings and other exit facilities of every structure shall be maintained in a sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be

so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

§ 87-46. Maintenance and regulations of rooms and spaces.

- A. All spaces or rooms shall be provided sufficient light so as not to endanger health and safety. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.
- B. Every habitable room, except kitchens, toilet rooms, basements or cellar rooms, and interior rooms of townhouses and row houses, shall have at least one (1) window facing directly to the outdoors, a court or a porch. Every habitable room, except kitchens and toilet rooms, shall at least have one (1) door or window which can be opened to ventilate adequately the room. Kitchens, toilet rooms without doors, basements or cellar rooms, interior rooms of townhouses and row houses shall have natural or mechanical ventilation.
- C. Every common hall and stairway in every building, other than a one-family dwelling, shall be adequately lighted at all times within an illumination of at least a sixty-watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.
- D. All other spaces shall be provided with a natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances and fixtures.
- E. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as prescribed by this chapter, except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

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- F. Primary cooking facilities shall not be permitted in any sleeping room or dormitory room except for efficiency apartments.

§ 87-47. Dwelling units.

Dwelling units shall be separate and apart from each other. With the exception of crib rooms or rooms accommodating handicapped individuals, sleeping rooms shall not be used as the only means of access to other sleeping rooms.

§ 87-48. Hotels and dormitories.

Hotel units, lodging units and dormitory units shall be designed to provide privacy and be

separate from other adjoining spaces.

§ 87-49. Accessory rooms.

A habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

§ 87-50. Basement and cellar rooms.

Basement and cellar rooms, partially below grade, shall not be used for sleeping purposes unless the basement and cellar room or rooms are within the specifications for sleeping room as provided for in this chapter.

§ 87-51. Required dwelling unit area. (Amended 11-3-03)

- A. Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
- B. Every room occupied for sleeping purposes shall contain at least eighty (80) square feet of floor area any every bedroom occupied by more than one person shall contain at least fifty-five (55) square feet of floor area for each occupant thereof.
- C. If any room used for residential purposes is overcrowded as defined in this chapter, the Code Enforcement Officer may order the number of persons sleeping or living in said room be reduced.
- D. No kitchen, noninhabitable space or public space shall be used for sleeping purposes.

§ 87-52. (Reserved)

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§ 87-53. (Reserved)

§ 87-54. Dwelling unit requirements.

- A. Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and disposal of human waste.
- B. Every dwelling unit shall contain a lavatory and a water closet supplied with cold running water. The water closet shall not be located in a habitable room. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closed is located. The lavatory shall be supplied with

hot and cold running water.

- C. Every dwelling unit shall contain a room which affords privacy to the person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.
- D. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under the provisions of this chapter and shall be supplied with hot and cold running water.
- E. Every dwelling unit shall be designated by a number. These numbers will be assigned by the U.S. Postal Service and shall be assigned consecutively. These numbers shall be not less than ~~three~~ **four** inches in height and shall be placed in a conspicuous place, at the main entrance of the building. If there is more than one main entrance, then the numbers will be consecutive. It is the responsibility of the property owner to install these numbers within 30 days of their assignment or the adoption of this subsection.

⁴ Editors Note: Former §87-52, Habitable Space, was repealed 11-3-2003 by ord. No. 2003-16

⁵ Editors Note: Former §87-53, Required mobile home area, was repealed 11-3-2003 by ord. No. 2003-16

- F. Every dwelling unit shall be designated by a number. These numbers will be assigned by the U.S. Postal Service and shall be assigned consecutively. These numbers shall be not less than three inches in height and shall be placed in a conspicuous place, at the main entrance of the building. If there is more than one main entrance, then the numbers will be consecutive. It is the responsibility of the property owner to install these numbers within 30 days of their assignment or the adoption of this subsection. **[Added 2-4-2002]**

§ 87-55. Lavatory requirements.

- A. At least one water closet, lavatory, basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house whenever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold running water at all times.

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- B. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub accessible from a public highway shall be provided on each floor of a hotel. Each lavatory, bathtub or shower shall be supplied with hot and cold running water at all times.
- C. Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

- D. Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space or to the exterior of the building.
- E. At least one toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.
- F. Toilet rooms and bathrooms serving hotel units, lodging units or dormitory units, unless located within respective units or directly connected thereto, shall be provided on the same floor with such units and shall be accessible only from a common hall or passageway.
- G. Bathrooms and toilet rooms shall be provided with floors of moisture-resistant material.

§ 87-56. Water and plumbing regulations.

- A. Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free of obstructions, leaks and defects and capable of performing the function for which they are designed.
- B. All plumbing fixtures shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.
- C. Plumbing fixtures shall be installed so as to permit easy access for cleaning both the fixtures and the areas around them.
- D. Plumbing fixtures which are replaced shall be of water-saving construction and use.
- E. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
- F. The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at adequate pressure to enable them to function satisfactorily.

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- G. Water heating facilities shall be properly installed, properly maintained and properly connected with hot water. Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, basin, bathtub, shower and laundry facility or other similar units at a temperature of not less than 110° F.
- H. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other

facility shall be properly connected to a public sewer system or to an improved private sewage disposal system.

- I. Every plumbing stack, waste and sewer line shall be so installed and maintained so as to function properly and shall be kept free of obstruction, leaks and defects to prevent structural deterioration or health hazards.
- J. An approved system of stormwater disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts and other open areas on the premises. No property owner shall allow, whether by intentional design or inadvertence, the discharge of stormwaters from his, her or its property into the Town of Laurel's sanitary sewer system. **[Amended 11-19-2001]**

§ 87-57. Heating facilities.

Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65° F. at a point three feet above the floor and three feet from an exterior wall in all habitable rooms, bathrooms and toilet rooms. In every dwelling unit that contains cooking and baking facilities for the purpose of preparation of food, such facilities shall be properly installed by the owner and operated in a clean and sanitary working condition by the occupant.

§ 87-58. Refrigeration.

In every dwelling unit that contains a refrigeration unit for the temporary preservation of perishable foods, such unit shall be capable of maintaining an average temperature below 45° F. and shall be properly installed by the owner and operated in a clean and sanitary working condition by the occupant.

§ 87-59. Heating and cooking devices.

All cooking and heating equipment, components and accessories in every heating, cooking and water heating device, shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards.

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§ 87-60. Mechanical equipment.

All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which said equipment was designed and intended.

§ 87-61. Fuel-burning equipment; ventilation.

- A. All fuel-burning equipment designed to be connected to a flue, chimney or vent shall be connected in an approved manner.

- B. All required clearances from combustible material shall be maintained. All safety controls for fuel-burning equipment shall be maintained in effective operation.
- C. A supply of air for complete combustion of fuel and for ventilation of the space shall be provided to the fuel-burning equipment.

§ 87-62. Fireplaces.

Fireplaces and other devices for use similar to a fireplace, including wood and coal-burning stoves, shall be stable and structurally sound and connected to approved chimneys.

§ 87-63. Interior climate control facilities.

When facilities for interior climate control (heating, cooling or humidity) are integral functions of structures used as dwelling units, such facilities shall be maintained and operated in a continuous manner in accordance with the design capacity.

§ 87-64. Electrical outlets; equipment standards.

- A. Where there is electrical service available to a structure, every habitable room of a dwelling unit, every guest room, shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall type electrical light fixture. In a kitchen, three (3) separate and remote wall type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall type electric light fixtures shall be provided. Every public hall, water closet compartment, bathroom, laundry or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.
- B. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be

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of an approved type.⁴

- C. Where it is found in the opinion of the Code Enforcement Officer, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

D. Definition: **(Added 4-7-03)**

Focal Lighting – Lighting that may be aimed or directed to a certain location on a property.

E. Lighting Requirements – All focal lighting, including exterior lights, floodlights, parking lot lighting, and lighting necessary for the safety and protection of property, shall be controlled and focused within the property lines of the premises. **(Added 4-7-03)**

F. Prohibited Lights – the following types of exterior lights are prohibited: **(Added 4-7-03)**

(1) Laser-source lights, strobe lights and similar high intensity flashing or pulsating lights, except as required by any governmental law, rule or regulation.

(2) With the exception of special events approved by the Mayor and Council of Laurel

§ 87-65. Means of egress.

A. A safe, continuous and unobstructed means of egress shall be provided from the interior of the structure to the exterior of a street, or to a yard, court or passageway leading to a public open area at grade.

B. Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

C. All doors in the required means of egress shall be readily openable from the inner side.

D. Exits from dwelling units, hotel units, lodging units and dormitory units shall not lead through other such units or through toilet rooms or bathrooms.

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§ 87-66 Fire escapes.

All required fire escapes shall be maintained in working condition and be structurally sound.

§ 87-67. Exit signs.

All exit signs shall be maintained, illuminated and visible.

§ 87-68. Accumulation of wastes and explosive materials.

A. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

- B. Highly flammable or explosive matter such as paints, volatile oils and cleaning fluids, or combustible refuse such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.⁵
- C. A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of less than one hundred ten degrees Fahrenheit (110° F.).

§ 87-69. Fire alarms; suppression systems; extinguishers.

- A. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.
- B. Fire suppressions systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint and are not bent or damaged.
- C. All portable fire extinguishers shall be visible and accessible and maintained in a safe and efficient operating condition.

§ 87-70. Structure to be maintained in clean and sanitary condition.

- A. Every occupant of a structure or a part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the

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building and premises thereof.

- B. Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight-fitting covers as required by this chapter.
- C. Every occupant of a structure or a part thereof shall dispose of garbage in a clean and sanitary manner, securely wrapping such garbage and placing it in a tight garbage storage container as required by this chapter or by such other disposal method as may be required by an applicable law or other chapter.
- D. Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish and the owner, operator or agent in control of such dwelling shall

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

be responsible for the removal of such rubbish.

- E. All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where and when necessary.
- F. The owner or occupant of a structure or a part thereof shall keep the installed equipment and fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

§ 87-71. Maintenance of equipment and fixtures.

The equipment and fixtures furnished by the occupant of a structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free from defects, leaks or obstructions.

§ 87-72. Extermination of rats and insects.

- A. The owner of any structure shall be responsible for the extermination of insects, rats, vermin or other pests within the structure prior to renting, leasing or selling the structure.
- B. The tenant-occupant of any structure shall be responsible for the continued ratproof condition of the structure, and if the tenant-occupant fails to maintain the ratproof condition, the cost of extermination shall be the responsibility of the tenant-occupant.
- C. The occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises.
- D. Every owner, agent or operator of two (2) or more dwelling units or multiple units or rooming houses shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises.

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§ 87-73. Conditions for condemnation.

Any dwelling or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a common and public nuisance and shall be designated and placarded by the Code Enforcement Officer.

- A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public

- B. One which lacks elimination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public.
- C. One in which are unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which are found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- D. One that fails to comply with any provision of the rental inspection program OR rental licensing provisions.

§ 87-74. Notice of violation.

Whenever the Code Enforcement Officer has determined that there has been a violation of this chapter or has declared a dwelling or multiple dwelling as unfit for human habitation and constituting a common and public nuisance, he shall give notice to the owner of such property and shall placard the dwelling or multiple dwelling as unfit for human habitation. Such notice shall:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. State the time the occupants must vacate the dwelling units.
- D. Include an order allowing a reasonable time for repairs and improvement required to bring the dwelling unit or structure into compliance with the provisions of this chapter.
- E. Include an explanation of the owner's or the occupant's right or both of them to seek

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modification or withdrawal of the notice by petition to the Board of Adjustments and Appeals having jurisdiction.
- F. State the penalties for noncompliance.

§ 87-75. Service of notice. (Amended 3-4-19)

Service shall be deemed to be properly served upon the owner or occupant or both of them as follows:

- A. By delivery to the owner personally or to the occupant personally or both of them, by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;

- B. By depositing the notice in the U.S. Post Office addressed to the owner at the last known address by certificate of mailing ; or
- C. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises and by publication of such notice in a newspaper of general circulation in the Town of Laurel.

§ 87-76. Vacation of premises.

When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, the Code Enforcement Officer shall allow the owner or occupant a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of the defects if there is a failure of compliance.

§ 87-77 Transfer of property after notice.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provision of the compliance order or notice of violation has received compliance or until the owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of a copy of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

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§ 87-78. Posting of placard.⁶

After the condemnation notice required under the provisions of this chapter has resulted in an order by virtue of failure to comply within the time given, the Code Enforcement Officer may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words “condemned as unfit for human occupancy or use” and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations and all other occupants shall remove themselves from the property on failure to comply with the correction order within the time specified.

§ 87-79. Occupancy of placarded premises.

⁶ Editor’s Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art I.

Any person who shall occupy a placarded premises or structure or a part thereof or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises, shall be deemed guilty of a misdemeanor and shall be subject to the penalties provided for in this chapter.

§ 87-80. Removal of placard. (Amended 3-2-20)

A: The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. The owner or occupant(s) of the building, if occupied, shall permit the Code Enforcement Officer, if a placard has been defaced or removed after being placed on the main entrance of the building, to install a substituted placard in a window on the same side of the ground floor of the building as the main entrance; or, the Code Enforcement Officer may, if the building is accessible, place the substituted placard in a suitable window, or other suitable visual location, if he or she is unable to secure the permission of the owner or occupant(s).

B: Should the second substituted placard placed in a window or other suitable located be defaced or removed without approval of the Code Enforcement Officer, the owner, if the property is unoccupied, or the occupants, if occupied, shall be subject to the penalties provided for in Section 87-85 of this Chapter.

§ 87-81. Emergency order; hearing.

- A. Whenever the Code Enforcement Officer finds that an emergency exists on any premises or any structure or part thereof or on any defective equipment which requires immediate action to protect the health and safety of the public or that of the occupants thereof, the Code Enforcement Officer may, with proper notice and service in accordance with the provisions of this chapter, issue an order reciting the existence of such emergency and requiring the vacating of the premises or requiring that such action be taken as the Code Enforcement Officer deems necessary to meet such emergency. Notwithstanding any other provision of this chapter, such order shall be effective immediately and the premises or equipment involved shall be placarded immediately upon service of the order.
- B. Any person to whom such an order is directed shall comply therewith. The person to whom the order is directed may thereafter, upon petition directed to the Board of

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Adjustments and Appeals, be afforded a hearing as prescribed in this chapter. Depending upon the findings of the Board of Adjustment and Appeals at such hearing as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have received compliance, the Board of Adjustments and Appeals shall continue such order or modify or revoke it.

§ 87-82. Dangerous structures; order to demolish.

- A. The Code Enforcement Officer may order the owner of any premises upon which is located any structure or part thereof which in the judgment of the Code Enforcement Officer is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, so that it would be unreasonable to repair the same, to raze and remove the structure or part thereof; or if it can be made safe by repair, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than six months, to raze and remove such structure or a part thereof.
- B. The order shall specify a time within which the owner shall comply therewith and specify the repairs, if any. It shall be served on the owner of record of an agent where an agent is in charge of the building and upon the holder of any lien in the manner provided in this chapter for service of condemned buildings. If the owner or holder of a lien or record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing in once each week for three successive weeks in a newspaper of general circulation in the Town of Laurel.
- C. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer may: **(Amended 3-18-03 & 6-16-14)**
 - (1.) To have the structure or a part thereof razed and removed at the cost and expense of the owner; or alternatively,
 - (2.) If a bona fide emergency exists to the extent that the life, health, property or safety of a nearby residents or the public at large is endangered, the Code Enforcement Officer may petition a Justice of the Peace Court of the Town Alderman for a rule to show cause directed to the owners, any occupants, tenants or lien holders, other than the town, requiring said owners, occupants, tenants or lien holders to appear on a day fixed by the Court of Town Alderman to show cause, if any they have, why the demolition order should not be enforced. Upon the return of the rule, if the court of Town Alderman is satisfied from the evidence produced that such demolition order should be enforced, the rule shall be made absolute and the Code Enforcement Officer may cause the offending structure or a part thereof to be razed and removed,

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either through available town resources or another public agency or by contract or arrangement with private persons or entities.

- (1) In the event the owners, lien holders, their executors, administrators, or assigns or other party required to receive notice of the rule referred to in (2) above, reside out of state and cannot be served, or in the case of an entity which has been dissolved, service may be made in any manner consistent with

25 Del.C §5706, or a successor manner of service section, with “structure on the subject property” being substituted for “rental unit” in each instance.

D. Regardless of whether the Code Enforcement Officer proceeds as in Subsection C (1) or C (2) above, the cost of any legal proceedings, including reasonable attorneys fees and court costs, as well as the cost of razing and removing the offending structure, or a part thereof, shall become a lien upon the real estate where such structure or a part thereof was located pursuant to the Charter of the Town of Laurel. [Amended 3-18-03 by Ord. 2003-1]

§ 87-83. Application for restraining order.

Any owner or tenant of a structure affected by the order of the Code Enforcement Officer to demolish may, within 30 days after service of such order, apply to a court of competent jurisdiction for an order restraining the Code Enforcement Officer from demolishing such building or part thereof. The court to whom the application is made shall determine whether the order of the Code Enforcement Officer is reasonable, and if found to be unreasonable, the court may issue an order restraining the Code Enforcement Officer from proceeding.

§ 87-84. Sale of salvaged materials.

When any structure has been ordered razed and removed, the Code Enforcement Officer or his or her designated representative may sell the salvage and valuable materials resulting from such razing or removal, such materials to be sold at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who may be entitled thereto, subject to any order of a court of competent jurisdiction. If no surplus remains, the report shall so state.

§ 87-85. Violations and penalties.

A. 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

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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. [Amended 6-3-1996 by Ord. No. 1000; 10-4-1999]

A. In addition to the penalties prescribed in Subsection A of this section, the Code Enforcement Officer may direct the Town Solicitor to proceed at law or in equity

against the person responsible for the violation for the purpose of ordering that person:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain, or correct the erection, installation or alteration of such structure;
- (3) To require the removal of work in violation; or
- (4) To prevent the occupancy or use of the structure, or a part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this Code, or in violation of a plan or specification under which an approval, permit or certification was issued.

Article II.

Vacant Structures

[Adopted 10-2-17, by Ord. No 2017-4]

§87-86. Purpose: applicability: definitions.

- (a) **Purpose.** The purpose and intent of this Article is to require registration of vacant structures in the Town of Laurel to protect the public health, safety. Vacant structures are detrimental to the surrounding buildings and neighborhoods in which they exist. Furthermore, vacant structures are more likely than occupied structures to become sites of ordinance violations, illegal activity and to pose a greater burden on Town Code enforcement, fire resources and police costs that should be borne by those creating the demand for these resources, with the ultimate goal of promoting rehabilitation and occupancy of these vacant structures.
- (b) **Applicability.** The provisions of this Article shall apply to all matters affecting or relating to vacant structure. Where, in this article, other sections of this Code may specify different requirements, the most restrictive shall govern. Property owned or controlled by governmental entities shall be exempt from this Article.
- (c) **Existing remedies.** Nothing in this Article shall be construed to abolish or impair existing remedies of the Town or its agencies relating to remediation of any dangerous, unsafe, or unsanitary conditions or enforcement of other Code provisions relating to vacant structures

(d) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning

(1). Vacant Structure means a building, structure, or dwelling that has been unoccupied for more than ninety (90) consecutive days; or a commercial tenant space greater than 5,000 square feet in an otherwise occupied structure, that has been left unoccupied for more than ninety (90) consecutive days. Vacant structure shall be further defined as a building or structure where no person or persons, currently conduct a lawfully licensed business, or lawfully reside or live in any part of the structure as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, non-transient basis. Evidence offered to prove that a structure is vacant may include, but shall not be limited to: accumulation of mail, advertising flyers, or other materials delivered to or posted upon the property or premises; disconnection of telephone, electric, gas, heating, water or sewer services; overdue sewer service charges; overdue water charges; or overdue property taxes; one (1) or more property maintenance violations issued against the property address of the vacant structure within one hundred twenty (120) days preceding the issuance of a violation notice finding vacancy; absence of vehicles on the property with current registrations; absence of evidence of occupancy upon visual inspection or upon information provided by proximate property owners or tenants of proximate property.

(2). Actively for sale or lease: means the structure is being actively marketed through a licensed real estate broker, or the owner is regularly advertising the property in newspapers circulated in and around Laurel, it is being offered for sale or lease at a cost no more than 25% over the market rate, and the structure is in reasonable condition for sale or lease as determined by the Town Code Official, including but not limited to: no trash has collected inside or outside of the structure, the utilities are functional, and it is not being used as storage that is unrelated to its former use.

(3). Occupied: Means any building or structure occupied by one or more persons actually conducting a lawful business or who resides in all or any part of the structure as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a structure is so occupied may include, but shall not be limited to, the regular receipt or delivery of mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and/or sewer services; or the

most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of a pre-rental inspection.

(4.) Owner: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in occupancy and/or in control of a structure subject to the provisions of this section.

§87-87 - Monitoring, inspection and condition standards.

- (a) The Code Enforcement Officer or his/her designee shall inspect any premises in the Town for the purpose of enforcing and assuring compliance with the provisions of this Article. Upon request of the Code Enforcement Officer or his/her designee, an owner shall provide access to all interior portions of a vacant structure in order to permit a complete inspection.
- (b.) Once a vacant structure is registered as such, the vacant structure shall be inspected annually for as long as it remains vacant.
- (c.) The vacant structure shall be secured; the exterior structure and surrounding premises shall be maintained in accordance with all Town of Laurel Code requirements.
- (d.) The vacant structure shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the structure and it shall not be used as storage that is unrelated to the former use).

§87-88 Agent-Responsible person required.

- (a) *Property manager.* Any owner of a vacant structure, residing outside of Sussex County (“the County”), shall be required to have a licensed property manager residing or having an office located in the County, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the County acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant structure, and shall provide access to the vacant structure for inspection upon request of the Code Enforcement Office or his/her designee within 30 days of notice.
- (b) *Corporate or partnership owners.* Any corporation or partnership owning a vacant structure shall have a designated member, partner or employee having charge, care and control of the vacant structure. The designated member, partner or employee shall reside in or have an office located in the County, or shall be required to have a licensed property manager residing or having an office located in the County, or other designated individual

who does not manage and other real estate for a fee, and who resides in the County, acting as a property manager. The property manager, or other designated individuals shall have charge, care and control of the vacant structure, and shall provide access to the vacant structure for inspection, upon request by the Code Enforcement Office or his/her designee, within 30 days.

- (c) *Interpretation.* The Town Manager shall have the authority to make determinations regarding the ownership and/or responsible party for any structure determined to be vacant pursuant to this section.

§87-89. Registration and registration fee.

(a) *Registration of structure.* There are two ways to register the structure as vacant.

(1). The owner shall register with the Town not later than 30 days after any structure becomes vacant, as defined. The registration of the vacant structure shall include the site address, the name and current owner or owners, current address of the owner and other persons or entities having an ownership interest, tax parcel number, proof of insurance on the structure, description of the structure, plans for the structure (to eliminate the vacancy), the responsible person or agent and their contact information (including but not limited to, email address, telephone number and facsimile number) and any other applicable information. If any information changes the owner is responsible for informing the Town of such changes in a timely manner. Failure to provide updated contact information shall be considered a violation of this Article.

(2). The Code Enforcement Office or his/her designee, shall investigate any structure that may be subject to registration. Based upon his findings, the Code Enforcement Office or his/her designee may register the structure as a vacant structure subject to this Article

a. *Notice of Registration.* Within five business days of such registration, the licensing and permitting office shall notify the owners of the registered property by certified mail at their last known address according to the records of the Town of Laurel.

b. *Registration fee.*

(i) The annual registration fee shall be paid at the time of registration. If the Code Enforcement Office or his/her designee registers the structure as vacant the fee shall be due no later than 30 days after the structure is registered as vacant. The annual registration fee shall be due on the registration anniversary date every subsequent year as long as the structure

remains vacant. The starting point for determining a structure as being vacant shall begin on the date of the enactment of this ordinance.

(ii) The annual fee is as provided for in Sec. ##-###- FEES –AND FINES

§87-90. Appeal rights.

The owner shall have the right to appeal the imposition of the registration fees and fines to the Board of Adjustment and Appeals, upon the filing of an application in writing with the Board and a \$ _____ non-refundable filing fee to the Board no later than 15 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy, as defined herein.

§87-91. Violation and penalties.

(a). If a property owner fails to register the vacant structure or fails to pay the registration fee within 30 days of the date such is due, the owner shall be in violation of this Article.

- (1). A lien for the amounts owed may be assessed against the vacant structure and surrounding premises. Such lien amount may be referred to the Town's solicitor for collection in addition to the remedies available in subsection (a)(2)/
- (2). The line amount will be incorporated into the parcel's tax bill and shall be collectible in the same manner as the annually imposed property tax.
- (3). The lien amount shall be paid in full prior to the transfer of title.
- (4). The lien amount will be paid in full prior to the issuance of any demolition permit.
- (5). The line amount shall be paid in full prior to the issuance of any building permits or rental licenses for the subject vacant structure and any other structure that is owned by the owner within the Town.
- (6). A fine shall be imposed against the offending party in accordance with the fine schedule presented in Sec. ##-###- FEES –AND FINES

§87-92. Exemptions- Types of structures eligible for exemption status from the registration fee.

- (a) The following are exempt from the registration requirements of this Article: The structure has been substantially damaged due to fire or other casualty. The owner

has 90 days to file for a permit to start construction or demolition or the structure will be determined to be vacant.

- (b) It is incumbent upon the owner to request an exemption and to show good cause why such exemption should be granted. The following structures shall be registered as vacant, but they are exempt from the registration fee:
 - (1). The structure is actively being offered for sale or lease for a maximum period of 5 years. After such time, this Article will be in effect. The burden to prove such is the case shall be that of the owner.
 - (2). The owner has obtained a building permit and is progressing in an expedient manner to prepare the structure for occupancy.
 - (3). The vacant structure is in probate or where the owner has entered a long-term care facility within six months of the structure becoming vacant.
 - (4). The property is undergoing currently environmental cleanup or assessment.
- (c) **Two-year waiver.** Upon application by the owner, the Board of Adjustment and Appeals may grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organizations as defined by Section 501(c)(3) of the Internal Revenue Code.
- (d) **Failure to register.** If the owner of the property fails to register the property with the Town of Laurel within 30 days of notification to do so by the Town of Laurel staff, then the property owner/agent may not be entitled to exemption from the fees.

Furthermore, to be exempt from the registration fee, it must be shown that the following conditions are met:

- (1) All financial obligations associated with the vacant structures that are owed to the Town are paid and current except for the registration fees that are the subject of the exemption request.
- (2) There are no open zoning, building or property maintenance code violation on the property.

§87-93. Duty to Maintain the Property.

In no instance shall registration of a vacant structure exonerate a responsible party from maintaining the vacant structure and surrounding premises and complying with all Town of Laurel Code requirements. If a vacant structure and surrounding premises on which it is located is not maintained pursuant to the provision of this Article the Town Code, fees and penalties may accrue and be charged against the vacant structure and the property upon which it is located.

§87-94. Appeal of the 25 percent over market rate.

An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market value. The owner has the option of asking the county tax assessor to perform the appraisal or having one preformed (using accepted appraisal standards) at their own expense.

§87-95. FEES –AND FINES.

ANNUAL FEE

AMOUNT OF TIME STRUCTURE IS VACANT	ANNUAL FEE
Structures vacant for one year or less	\$500.00
Structures vacant for 1 year but less than 2	\$700.00
Structures vacant for 2 years but less than 3	\$900.00
Structure vacant for 3 years but less than 4	\$1100.00
Structures vacant for 4 years but less than 5	\$1300.00
Structures vacant for 5 years or longer	\$1500.00

FINES

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not less than \$500.00 nor more than \$1,500.00 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 \$700.00 nor more than \$2,500.00 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.

