

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.**
- § 112-5. **Disposition of proceeds.**
- § 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

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.

- 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**
- § 113-3. **Alternative Disposition of Surplus Real Property**
- § 113-4. **Determination of Value of Surplus Real Property**
- § 113-5. **Disposal of Surplus Real Property Having Value**
- § 113-6. **Disposition of Proceeds**

§ 113.1 Definitions.

SURPLUS REAL PROPERTY - Any real property determined by resolution of the town council of the Town of Laurel, following consideration of the real property being proposed as surplus at a public meeting, to be no longer needed by the town, or any department or division thereof, to carry out its responsibilities and duties under applicable federal, state or local law.

TOWN – The Town of Laurel

§ 113-2 Plotted Streets or Alleys.

If the surplus real property being sold is a plotted street or alley, whether opened or unopened, a public hearing would be required in order for the Town Council to declare the same to be surplus real property, as per Section 1.(a) above.

§ 113-3 Alternative Disposition of Surplus Real Property.

The Town Council, upon vote of the majority of a quorum, may dispose of surplus real property in another manner in the best interest of the Town that would provide for economic development or redevelopment of the surplus real property, upon such terms and conditions agreed to by the Town Council.

§ 113-4 Determination of value of surplus real property.

The town may dispose of any surplus real property after having obtained an appraisal of such property from a licensed or certified appraiser.

§ 113-5 Disposal of Surplus Real Property Having Value.

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

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.

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.

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

§ 114-1. Adoption of Standards (Amended 6-21-10)

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.

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§ 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]**

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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 Registration¹

11801

[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

12502

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.¹

§ 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 various 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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SEWERS

§ 125-7

§ 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 Plumbing Code,² to have the required work done. All connections made pursuant to this section by the Mayor and Council shall be at the sole expense of the owner and without any expense or liability on the part of the Mayor and Council.

§ 125-4. Cost of connection made by town. [Amended 6-3-1996 by Ord. No. 1000]

Following the completion of the work, the Town Manager, at the direction of the Mayor and Council, shall send by certified mail with return receipt requested to the last known address of the owner an itemized account of the cost for making the connection to the public sanitary or combined sewer. If the said bill is not paid within 15 days following delivery thereof, the Town Manager shall proceed and have a lien placed against the property pursuant to the provisions of the Charter.

§ 125-5. Definitions.

For the purposes of this article the term “owner” shall be deemed to include persons who own property as tenants by the entirety, tenants in common, or joint tenants, in addition to other natural persons of firms and corporations.

ARTICLE II
Impact Charges
[Adopted 3-20-1989 by Ord. No. 739]

² Editor's Notes: See Ch. 110, Plumbing.

§ 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

§ 125-8 **12504** SEWERS § 125-8

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
6 or more baths and bedrooms | 1.0 | EDU |
| (2) | Mobile homes/manufactured homes
with one kitchen and one or more
baths and bedrooms | 1.0 | EDU |
| (3) | Apartment with one kitchen and
with one or more baths and
bedrooms | 1.0 | EDU |
| (4) | Efficiency Unit with kitchen,
bedroom and living space in one
Room and one bath | 0.5 | EDU |
| (5) | Motel or hotel room without
kitchen and with bath | 0.33 | EDU |
| (6) | Gas station with one (1)
one service bay | 2.0 | EDU |

- | | | | |
|-----|--|-----|------------------|
| (7) | Each additional gas station service bay in excess of one | 1.0 | EDU |
| (8) | Retail store
.10 GPD/SF, 250 GPD =
1 EDU | 1.0 | EDU
(minimum) |
| (9) | Laundromat
250 GPD/washer, 250 GPD =
1 EDU | 4.0 | EDU
(minimum) |

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- | | | | |
|------|---|-----|----------------------|
| (10) | Office units

.3 GPD/SF, 250 GPD =
1 EDU | 1.0 | EDU

(minimum) |
| (11) | Barbershop | 1.0 | EDU |
| (12) | Beauty shop, not attached to residence, two chairs or less
Each additional chair | 1.5 | EDU

0.5 EDU |
| (13) | Beauty shop, attached to and formed apart of residence, two chairs or less
Each additional chair | 0.5 | EDU

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 | 1.0 | EDU |

.1 GPD/SF, 250 GPD = 1 EDU (minimum)

(18) Restaurant, club, tavern per 1.0 EDU
20 seats or fraction thereof

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

EDU	Rate
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.

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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

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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.

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§ 125-14

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.

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- 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

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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.

§ 132-1

SMOKING

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Chapter 132

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

§ 136-1. Definitions.

§ 136-2. Garbage to be placed in containers.

§ 136-3. Disposal of garbage.

§ 136-4. Garbage collection.

§ 136-5. Fees; interest.

§ 136-6. Commercial establishment pickup.

§ 136-7. Container requirements.

§ 136-8. Billing.

§ 136-9. Violations and penalties.

§ 136-10. Action to collect unpaid fees.

§ 136-11. Repealer; effective date.

[HISTORY: Adopted by the Town Council of the Town of Laurel 9-17-1979 as Ord. No. 730. Amendments noted where applicable.]

GENERAL REFERENCES

Housing standards – See Ch. 87.

§ 136-1. Definitions.

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

ASHES – Residue from fires used for cooking and for heating buildings.

§ 136-1

SOLID WASTE

§ 136-5

GARBAGE – Waste resulting from the handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.

REFUSE – Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches not to exceed four (4) feet in length, wood trimmings, noncombustible trash, including but not limited to, metals, tin cans, dirt, small quantities of rock and small pieces of concrete, glass, crockery and other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles; provided, however, that “refuse” shall not include earth and waste from building operations, nor shall it include solid waste resulting from industrial processes and manufacturing operations such as food processing waste, boiler-house cinders, lumber, scraps and shavings.

§ 136-2. Garbage to be placed in containers. (Amended 7-20-04 & 6-16-14)

capacity of more than thirty-five (35) pounds.

§ 136-8. Billing.²

Bills for the collection of garbage, refuse and ashes shall be sent to all residential property owners of occupied dwelling units within the corporate limits of the Town of Laurel at such times as may be directed by the Town Council; commercial establishments shall be billed bimonthly for each collection.

§ 136-9 Violations and penalties. [Amended 2-15-1982 by Ord. No. 730³]

Any person, firm or corporation which violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned for thirty (30) days, or both, for each offense, and for the purposes of this chapter, a separate offense shall be deemed to occur on each day during or on which a violation occurs or continues.

§ 136-10. Action to collect unpaid fees.

In addition to any other penalties set forth herein, the Town Manager be and he is hereby authorized and directed to cause action to be brought in the name of the Mayor and Council of

§ 136-10	SOLID WASTE	§ 136-11
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Laurel in a court of competent jurisdiction to collect all fees which are unpaid and for which a bill has been rendered.

§ 136-11. Repealer; effective date.

This ordinance deletes Ordinance No. 729 in its entirety, upon the effective date. The effective date of this chapter is October 1, 1979.

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

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

STREETS AND SIDEWALKS

Chapter 141

STREETS AND SIDEWALKS

ARTICLE I

Excavation

§ 141-1. Permit required for excavations; emergencies.

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

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

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

§ 141-5. Violations and penalties.

Requirements for Cutting and Repairing Openings in Existing Roadways.

**ARTICLE II
Snow and Ice Removal**

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

§ 141-7. Notice to remove.

§ 141-8. Notice valid for one year.

§ 141-9. Failure to remove.

§ 141-10. Costs for removal by town.

§ 141-11. Time period for removal.

§ 141-12. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of Laurel: Art. I, 10-6-1975 as Ord. No. 258; Art. II, 2-4-198 as Ord. O. 736. Amendments noted where applicable.]

§ 141-1 **14101** STREETS AND SIDEWALKS § 141-2

**ARTICLE I
Excavation
[Adopted 10-6-1975 as Ord. No. 258]**

§ 141-1. Permit required for excavations; emergencies.

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

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§ 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 Laurel¹ shall not be required to furnish a bond pursuant to the provisions of this Article.

¹ Editor's Note: See Ch. 110, Plumbing.

§ 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.²

§ 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.

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STREETS AND SIDEWALKS

§ 141-5

§ 141-5. Violations and penalties.³

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)

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

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

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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 thicker 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]

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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

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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.⁴

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.]

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

§ 149-1

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SWIMMING POOLS

§ 149-2

Chapter 149

SWIMMING POOLS

§ 149-1. Adoption of standards.

§ 149-2. Additions, deletions and modifications.

[HISTORY: Adopted by the Town Council of the Town of Laurel 2-16-1976 as Ord. No. 225; amended in its entirety 12-5-1983 by Ord. No. 225. Amendments noted where applicable.]

§ 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.

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. Definitions.**
- § 152-5. Certain deeds and leases exempted.**
- § 152-6. Tax levied; amount; apportioning of tax; exemptions.**
- § 152-7. Credit for property transferred by real estate brokers.**
- § 152-8. Judicial sales; payment of tax.**
- § 152-9. Preparation and availability of stamps.**
- § 152-10. Appointment of sales agents; commissions.**
- § 152-11. Payment of tax prerequisite to recording document, deed or lease**
- § 152-12. Statement of value required when recording.**
- § 152-13. Prohibited acts.**
- § 152-14. Determination of additional tax by Town Manager; notice; redetermination; appeals.**
- § 152-15. Refunds.**

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§ 152-16. Violations and penalties.

[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]

§ 152-4. Definitions.

As used in this Article, the following definitions shall be applicable unless the context clearly

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indicates a different meaning:

DEED – Includes any instrument or writing pursuant to which title or possession of any real estate within the corporate limits of the town shall be quitclaimed, granted, bargained, sold, conveyed or transferred to any purchaser, buyer, vendee, grantee, assignee or transferee, except as provided in § 152-5 of this Article, and shall include the following:

- A. Except as provided in Subsections B and C hereof where beneficial ownership in real estate is transferred through a conveyance or series of conveyances of an intangible interest in a corporation, partnership or trust, such conveyance shall be taxable under this Article as if such property were conveyed through a duly recorded document as defined herein and subject to the exemptions contained herein, except those exemptions contained in § 152-5J and N of this Article.
- B. No bona fide pledge of stock or partnership interest as loan collateral nor any transfer of publicly traded stock or publicly traded partnership interest shall be deemed subject to taxation under this Article.
- C. Where the beneficial owners of real property prior to the conveyance or series of conveyances referred to in this section own eighty percent (80%) or more of the beneficial interest in the real estate following said conveyance or conveyances, such transfer shall not be subject to tax under this Article. Where the beneficial owner of real property prior to the conveyance or series of conveyances referred to in this Article own less than eighty percent (80%) of the beneficial interest in the real estate following said conveyance or conveyances, such transfer shall not be subject to tax under this Article unless determined by the Town Manager to be properly characterized as a sale of real property. Such characterization shall take place into account the timing of the transaction, beneficial ownership prior to and subsequent to the conveyance or conveyances, the business purpose of the corporation, partnership or trust, and such other factors as may be relevant.

DOCUMENT – Any deed, lease, instrument or writing whereby any real estate within the corporate limits of the town, or any interest therein, shall be quitclaimed, bargained, sold, leased or otherwise conveyed to the grantee.

LEASE – Includes any document in writing transferring or purporting to transfer a title or possessory interest by a seller, vendor, lessor, assignor or transferor to any purchaser, buyer, vendee, lessee, assignee or transferee in or to any of the following:

- A. A condominium unit or any property or properties subject to the Unit Property Act (25 Del. C. § 2201 et seq.) For a determinable term of five (5) years or more.

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- B. An interest in land owned by another or improvements owned by another located on land owned by another, or both, for a determinable term of five (5) years or more.
- C. The exercise of any right or option to renew or extend the title or possessory interest in an existing document or instrument in writing where such renewal or extension is for a period of five (5) years or more.

TRANSACTION - Includes the making, executing, delivering, accepting or presenting for recording of a deed or lease as defined herein.

VALUE – Includes in the case of a deed the amount of actual consideration thereof, including liens or other encumbrances thereon and ground rents or a commissary part of the liens or other encumbrances thereon and ground rents where such liens and ground rents also encumber or are charged against other lands, tenements or hereditaments; provided that where such documents set forth a small or nominal consideration, value shall be determined from the price set forth in, or actual case of a gift or other document without consideration, from the actual monetary worth of the property granted, bargained, sold, leased or otherwise conveyed, which, in either event, shall not be less than the amount of assessment of such lands, tenements or hereditaments as shown on the books of the town.

§ 152-5. Certain deeds and leases exempted.

As used in this Article, document, deed and lease shall not include any of the following:

- A. Any conveyance by will.
- B. Any lease other than those described or defined in § 152-4 of this Article.
- C. Any conveyance between corporations operating housing projects pursuant to 31 Del. C., Chapter 45 and the shareholders thereof.
- D. Any conveyance between nonprofit industrial development agencies and industrial corporations purchasing from them.
- E. Any conveyance to nonprofit industrial development agencies.
- F. Any conveyance between husband and wife.

- G. Any conveyance between persons who were previously husband and wife but who have since been divorced; provided that such conveyance is made after the granting of a final decree in the divorce and the real estate or interest therein subject to such conveyance was required by the husband and wife, or husband or wife, prior to the granting of the final decree of divorce.
- H. Any conveyance between parent and child or the spouse of such a child.
- I. Any conveyance:
 - (1) To a trustee, nominee or straw party for the grantor as a beneficial owner;
 - (2) For the beneficial ownership of a person other than the grantor, where, if such person were the grantee, no tax would be imposed upon the conveyance pursuant to this Article; or
 - (3) From a trustee, nominee or straw party to the beneficial owner.
- J. Any conveyance between a parent corporation or a wholly owned subsidiary corporation; provided that such conveyance is without actual consideration.
- K. Correctional deeds without actual consideration.
- L. Any conveyance to or from the United States or this state, or to or from any other instrumentalities, agencies or political subdivisions and the University of Delaware.
- M. Any conveyance to or from a corporation or a partnership where the grantor or grantee owns stock of the corporation or an interest in the corporation to the same proportion as his interest in, or ownership of, the real estate being conveyed; provided, however, that this subsection shall not be applicable to any distribution and liquidation or other conveyance resulting from the partial or complete liquidation of a corporation, unless the stock of the corporation being liquidated has been held by the grantor or grantee for more than three (3) years; and provided further, that this exemption shall not apply to any conveyance from a partnership to its partners unless the partners' interest in the partnership has been held for more than three (3) years.
- N. Any conveyance by the owner of previously occupied residential premises to a builder of new residential premises or previously occupied residential premises are taken in trade by such builder as a part of the consideration from the purchaser of new, previously reoccupied premises.

- O. Any conveyance to the lender holding a bona fide mortgage which is genuinely in default, either by a sheriff conducting a foreclosure sale or by the mortgagor in lieu of foreclosure.
- P. Any conveyance to a religious corporation or other body or person holding title to real estate for a religious organization if such real estate will not be used following such transfer by the grantee, or by the privy of the grantee, for any commercial purpose; provided, however, that only that portion of the tax which is attributable to and payable by the religious corporation or other body or person holding title to real estate for a religious corporation under § 152-6 of this Article shall be exempt.
- Q. Any conveyance made by or to any organization exempt from ad valorem real estate taxes.
- R. Any mortgage.

§ 152-6. Tax levied; amount; apportioning of tax; exemptions.

- A. Every person who makes, executes, delivers, accepts or presents for recording any document, deed or lease, except as provided in § 152-5 or in whose behalf any document, deed or lease is made, executed, delivered, accepted or presented for recording shall be subject to pay for and in respect to the transaction or any part thereof a realty transfer tax at the rate of one percent (1%) of the value of the property represented by such document, deed or lease. Such tax shall be payable at the time of making, execution, delivery, acceptance or presenting of such deed for recording.
- B. The transfer tax shall be paid by the purchasers in the transaction in the absence of an agreement to the contrary.
- C. No tax shall be imposed on any conveyance where the actual value of the property being transferred is less than one hundred dollars (\$100).
- D. Every person who makes, executes, delivers, accepts or presents for recording any document, deed or lease defined or described in this Article or in whose behalf any such document, deed or lease is made, executed, delivered, accepted or presented for recording shall be subject to pay for and in respect to the transaction a realty transfer tax at the rate of one percent (1%) of the value of the property represented by such document, deed or lease, which tax shall be payable as follows:

- (1) The tax on the consideration attributable to the first year of the term shall be payable at the time of making execution, delivery, acceptance or presenting of such document for recording.
 - (2) The tax on the consideration attributable to each successive year of the term thereafter shall be paid annually to the Town Manager.
- E. There shall be no tax imposed on any document, deed or lease presented for recording pursuant to a contract executed prior to October 1, 1989.

§ 152-7. Credit for property transferred by real estate brokers.

Where there is a transfer of residential property by a licensed real estate broker which property was transferred to him within twelve (12) months next preceding the transfer by him as part of the consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to the licensed real estate broker shall be given toward the amount of the tax due upon the transfer. If the tax due upon the transfer from the licensed real estate broker is greater than the credit given for the prior transfer, the difference shall be paid. If the credit allowed is greater than the amount of the tax due, no refund shall be allowed.

§ 152-8. Judicial sales; payment of tax.

The realty transfer tax imposed by this Article shall be paid from the proceeds of any judicial sale of real estate as part of the costs of such sale before any such proceeds are applied toward any obligation, claim, lien, judgment or estate and of the writ upon which sale is made unless such transfer is exempt pursuant to the provisions of § 152-50.

§ 152-9. Preparation and availability of stamps.

The Town Manager shall prescribe, prepare and furnish stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this Article. The Town Manager shall make provision for the sale of such stamps in such places as may be deemed necessary.

§ 152-10. Appointment of sales agents; commissions.

The Town Manager may appoint the Recorder of Deeds, in and for Sussex County, the Sussex Trust Company or such other person or persons within or without the county as agents for the sale of stamps as used for payment of the tax imposed by this Article.

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- A. A commission shall be allowed by the Town Manager to such agents of two percent (2%) of the face value of the stamps.

§ 152-11. Payment of tax prerequisite to recording document, deed or lease.

No document, deed or lease upon which a transfer tax is imposed by this Article shall be recorded in the Office of the Recorder of Deeds, in and for Sussex County, unless proof of the payment of the transfer tax appears on the document.

§ 152-12. Statement of value required when recording.

Every document, deed or lease, when lodged with or presented to the Recorder of Deeds, in and for Sussex County, for recording shall set forth therein as part of such document, deed or lease the true, full and complete value thereof or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document, deed or lease is not subject to tax under this Article.

§ 152-13. Prohibited acts.

No person shall commit any of the following acts:

- A. Make, execute, deliver, accept or present for recording or cause to be made, executed, delivered, accepted or presented for recording any document, deed or lease without the full amount of tax thereon being duly paid.
- B. Make use of any documentary stamps to denote payment of the realty transfer tax without canceling the stamp as required by this Article.
- C. Fraudulently cut, tear or remove from a document, deed or lease any documentary stamp or other evidence of payment of the transfer tax.
- D. Fraudulently affix to any document, deed or lease upon which tax is imposed by this Article any documentary stamp or other evidence of payment of the transfer tax which has been removed from any other document, any documentary stamp or other evidence of payment of the transfer tax of insufficient value, any forged or counterfeit stamp or other evidence of payment of the realty transfer tax or any impression, forged or counterfeited stamp, dye, plate or other articles.

- E. Willfully remove or alter the cancellation marks of any documentary stamp or restore any such documentary stamp with intent to use or cause the stamp to be used after it has already been used or knowingly buy, sell, offer for sale, give away or use any such altered or restored stamp to any person for use.
- F. Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document, deed or lease upon which the realty transfer tax is imposed by this Article, provided that the possession of such stamp shall be prima facie evidence of an intent to violate the provisions of this Article.
- G. Knowingly or willfully prepare, keep, sell, offer for sale or have in his possession any forged or counterfeit documentary stamp.
- H. Accept for recording in the Office of the Recorder of Deeds, in and for Sussex County, any document, deed or lease upon which the transfer tax is imposed without the proper documentary stamp or other evidence of payment of the transfer tax required by this Article and as indicated in such document, deed or lease or accompanying affidavit.

§ 152-14. Determination of additional tax by Town Manager; notice; redetermination; appeals.

- A. If any person shall fail to pay any transfer tax imposed by this Article for which he is liable, the Town Manager may make a determination of additional tax and interest due by such person, based upon information within his knowledge or learned by him. All such determinations shall be made so that notice thereof shall reach the party or parties against whom it is made within three (3) years after the recording of the document, deed or lease.
- B. Promptly after the date of such determination, the Town Manager shall send by certified or registered mail with return receipt requested with postage prepaid a copy thereof to the person against whom it is made.
- C. Within ninety (90) days after the date upon which the copy of determination of additional tax was mailed, such person may file with the Town Manager a petition for redetermination of such tax. Every petition for redetermination shall state specifically the reason or reasons which the petitioner believes entitles him to such redetermination and shall be supported by affirmation that it is not for the purpose of delay, and that the facts set forth therein are true and correct.

- D. It shall be the duty of the Town Manager within six (6) months after the date of any determination to dispose of any petition for redetermination. Notice of the action taken upon petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Town Manager.
- E. Any person shall have the right to review by a court of competent jurisdiction any determination made by the Town Manager pursuant to this section.
- F. Interest shall be added to any determination of additional tax and shall be computed at the statutory rate from the date any transfer tax shall have been paid to the date paid.

§ 152-15. Refunds.

Upon determination that any tax collected pursuant to this Article has been collected improperly, the Town Manager shall refund to the taxpayer the sum so paid with interest from the date of payment at the rate of nine percent (9%) per annum.

§ 152-16. Violations and penalties.¹

Any person who violates any of the provisions of this Article shall be deemed to be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or be imprisoned for thirty (30) days, or both, and shall pay the costs of prosecution.

[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]