

ORDINANCE NO.: 368

**AN ORDINANCE TO AMEND OCEAN VIEW CODE
BY AMENDING CHAPTER 1 BY ADDING ARTICLE 2
RELATING TO PENALTIES AND FINES FOR VIOLATIONS
AND PAYMENT THEREOF**

WHEREAS, the Town Council of Ocean View have all powers granted to municipal corporations and to cities by the Constitution and general law of the State of Delaware, including the general and implied powers necessary to carry into execution all the powers granted; and

WHEREAS, the Town Council has, from time to time, ordained penalties for violations of the various provisions of the Ocean View Code; and

WHEREAS, the Town Council is of the opinion that providing for the payment of fines and penalties to the Town in lieu of court appearance, while preserving the right to administratively or judicially challenge any alleged violation is appropriate for the ease of administration and enforcement of such ordinances that may contain penalties for their violation opinion is in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF OCEAN VIEW, as follows:

Section 1. Amend Chapter 1, General Provisions of Ocean View Code, by adding thereto the following:

**Article 2
Penalties and Fines**

§ 1-12. Penalties.

(a) Any person who is given a notice of violation, is summoned, or is convicted of violating the provisions of any chapter of this Code as enumerated hereafter shall be fined or have imposed a penalty as set out in that chapter but never less than \$50 for the first offense and no more than \$500 for each subsequent offense.

(b) In the event of a continuing violation of any of the provisions of a chapter of this code by any person, each day or part of a day during which any such violation continues shall constitute a separate and distinct offense under this section.

§ 1-13. Options to Pay Fines Directly to Town.

Any fine or penalty associated with the violation of any section of the Code of Ocean View set out hereafter, at the option of the person receiving a notice of violation or summons, may be paid directly to the Town of Ocean View, thereby avoiding the need to appear in State court.

§1-14. Statement Contained in Notices of violation.

All notices of violation shall contain the following statement:

You are alleged to have violated the Code of the Town of Ocean View or an Ordinance of the Town. It is specifically alleged that you personally or as the owner of Tax Parcel Number:

Committed the Following Violation:

A violation of Section:

You may choose one of the two following options:

Option 1:

You may have your case heard by a Judge in one of the State of Delaware Courts by appearing at Justice of the Peace Court No. 14, which is located at 23730 Shortly Road, Georgetown DE 19947 on:

Day

Date Between the hours of _____ A.M. or P.M.

Option 2:

You may pay directly to the Town of Ocean View the amount due. If you choose this option, your payment must be received at the Melson Building, located at 201 Central Avenue, Ocean View DE 19970, by no later than 4:00 P.M. on:

Day

Date.

IF YOU CHOOSE OPTION 2 AND FAIL TO MAKE PAYMENT TO THE TOWN BY 4:00 P.M. ON THE DATE INDICATED ABOVE YOU MUST APPEAR IN THE COURT DESIGNATED IN OPTION 1 OF THIS DOCUMENT. FAILURE TO APPEAR MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST BY JUSTICE OF THE PEACE COURT.

§1-15. Amount of fine to be paid.

The amount due to be paid directly to the Town shall be the minimum amount due as set out in the chapter of this Code for which the notice of violation or summons is issued or § 1-12 above.

§1-16. Records.

The Town shall keep a complete record of all payments made to the Town in accordance with this chapter.

§1-17. Summons.

Code Enforcement Officers are authorized to issue summons to enforce and assess the minimum fines due for violations of the following chapters of the Code:

<u>Title</u>	<u>Chapter</u>
Building Construction	84
Buildings, Dangerous	88
Licenses	93
Ditches	111
Environmental Protection	116
Grading, Drainage, and Erosion Control	132
Land Use and Development	140
Property maintenance	169
Restrictions on Hours of Operation of Certain Activities	178
Street Naming; Addressing	185
Streets and Sidewalks	187
Trailers	203
Vehicles, Abandoned or Unregistered	207
Wireless Communications a Facilities and Amateur Radio Antennas	216

§1-18. Citation to be Mailed.

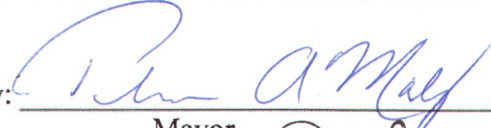
Any citation issued for failure to comply with this chapter shall be mailed to the owner of the property that is the subject of a citation at the owner's last known address as shown on the assessment records of the Town.

§1-19. Appeals.

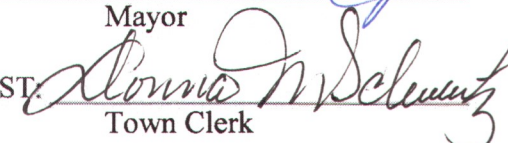
The owner of a property aggrieved by any civil penalty imposed pursuant to this section may appeal to the Ocean View Board of Adjustment. The aggrieved owner of property shall be required to submit the appeal within 30 days of the issuance of a summons or notice of violation, along with an appeal fee required by the Code. The payment of the civil penalty shall be abated until such time as a final non-appealable order of the Board is entered.

Section 2. This ordinance shall become effective upon its adoption by a majority of the members elected to the Town Council of Ocean View.

TOWN COUNCIL OF OCEAN VIEW

By: 

Mayor

ATTEST: 

Town Clerk

Date Reading:

Adopted:

Synopsis

This ordinance provides for the payment of fines directly to the Town in lieu of court enforcement. Alleged violators are provided with administrative and judicial appeals.

[DLS Draft 06-06-19]
[DLS Rev. 08-15-19]
[DLS Rev. 12-13-19]