

# The Mayor and Council of the Town of Townsend

141 Main Street, P.O. Box 223, Townsend, DE 19734  
Phone (302) 378-8082 Fax (302) 378-7099

Introduced by:

Introduction on:



## ORDINANCE 2024-007 An Ordinance to amend the Town Code regarding abandoned vehicles.

Mayor  
Scott Lobdell

**WHEREAS**, the Town Code currently prohibits abandoned vehicles and allows for the removal of abandoned vehicles; and

**WHEREAS**, the Town Council desires to amend such instruction to update the language and bring current the fine amounts for such violations of the code.

Councilman  
Joshua Mertz,  
PhD

**NOW, THEREFORE**, be it ordained by the by the Town Council of the Town of Townsend, as follows:

Councilman  
Joseph Bangura,  
PhD

**SECTION 1:** That 16.08.040 of the Code of Ordinances, Town of Townsend, Delaware, is hereby amended to read as follows, by removing the text which is struck through and adding the text which is underlined:

Councilman  
Matthew  
Chapman

### 16.08.040 Failure To Remove

Any person who has received notification that they are in violation of either TMC 16.04.010 or TMC 16.08.010, and who refuses or fails to remove or have removed the violation within seven days shall have consented to the removal of said violation by the town. The ~~president of the council~~ Administrator or a contractor employed by the Town of the town is authorized to enter upon such property ~~himself themselves~~, or through such persons, firms, or associations under contract of the town, for the purpose of removing the violation; ~~and charging the costs of removal will be charged~~ to the owner of the abandoned property, or to the owner where the abandoned property was located, or both at the Town's discretion. The cost shall include labor and materials actually expended to remove the violation. In the event that these amounts shall remain unpaid for greater than thirty (30) days from the date of billing, the town must issue civil execution to ~~the Town may collect any debts for~~ said removal, the additional legal costs actually incurred (including actual fees charged by attorneys, auctioneers, constables, etc.) all of which shall be charged against the violator, through any collection method permitted under the Town Charter or Chapter 29, Title 25 of the Delaware State Code.

Councilman  
Marcus Suhr

**State Law References:** Removal of abandoned vehicle, 21 Del. C. §§ 4402, 4403.

Town Manager  
Antonina Tantillo,  
MPA,

A Council – Manager Municipality  
Located on the Web at [townsend.delaware.gov](http://townsend.delaware.gov)

**SECTION 2:** That 16.08.050 of the Code of Ordinances, Town of Townsend, Delaware, is hereby amended to read as follows, by removing the text which is struck through and adding the text which is underlined:

**16.08.050 Penalty**

1. Any owner of real property who allows abandoned property to remain upon their real property for a period of seven consecutive days, after being notified by the ~~president of the council~~ Administrator or contractor of the town, of the complaint, shall be guilty of a violation of this chapter, and upon conviction thereof before any justice of the peace residing in the state, or alderman of the town, be fined not less than ~~\$10.00~~ \$50.00, or more than ~~\$50.00~~ \$150.00 for each offense, plus any debts which are owed for the removal of abandoned vehicles.
2. Each day that a violation is allowed to continue after notice by Administrator or contractor of the town shall constitute a separate offense.

**SECTION 3:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4:** In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

**SECTION 5:** This Ordinance shall become effective immediately upon passage.

Adopted by at least a majority of the Council members of the Town of Townsend on this \_\_\_\_\_ day of \_\_\_\_\_, 20243.

Introduction

Public Hearing

Final Reading

Adoption

Signed By

\_\_\_\_\_

.....  
Mayor

Town of Townsend, Delaware

Attest: \_\_\_\_\_

Town Clerk