

Sponsor: Town of Felton
First Reading: March 9, 2026
Second Reading: April 13, 2026

ORDINANCE REPEALING ARTICLE IV, TITLE 33 OF THE TOWN CODE OF THE TOWN OF FELTON ENTITLED “AN ORDINANCE CONTROLLING THE HEIGHT OF GRASS, WEEDS AND OTHER VEGETATION WITHIN THE TOWN OF FELTON” AND ENACTING A NEW ARTICLE IV, TITLE 33 OF THE TOWN CODE OF THE TOWN OF FELTON ENTITLED “AN ORDINANCE CONTROLLING THE HEIGHT OF GRASS, WEEDS AND OTHER VEGETATION WITHIN THE TOWN OF FELTON AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF”

WHEREAS, the Town of Felton is authorized pursuant to Section 7.8.2 of the Town Charter to adopt ordinances “relating to any subject within the powers and functions of the town, or relating to the government of the town, its peace and order, sanitation, beauty, health, safety, convenience and property[;]”

WHEREAS, the Town of Felton is authorized pursuant to Section 3.2.28 of the Town Charter to “define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare; and to cause the cost of such abatement or removal to be paid by the legal entity causing or permitting same to exist[;]”

WHEREAS, allowing grass and weeds to grow to excessive heights can negatively impact the public safety, health, or welfare by creating habitats for insects, rodents, and other animals, which can lead to infestations of residential and non-residential properties, as well as negatively impacting the aesthetics of the Town, leading to reduced property values;

WHEREAS, failure to collect grass and weed clippings can lead to obstructed stormwater drainage systems and necessitate excessive maintenance expenses to keep stormwater drainage systems in proper repair; and

WHEREAS, in the opinion of the Town Council of the Town of Felton, it is in the best interest of the public health, safety, and welfare to establish regulations governing the maintenance of grass and weeds in the Town of Felton.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Felton, a majority thereof concurring in Council duly met, as follows, to wit:

Section 1. Article IV, Title 33 of the Town Code of the Town of Felton, entitled “An Ordinance Controlling the Height of Grass, Weeds, and Other Vegetation within the Town of Felton” as adopted on or around August 11, 2008, including any subsequent amendments thereto, is hereby repealed in its entirety.

Section 2. Article IV, Title 33 of the Town Code of the Town of Felton, entitled “An Ordinance Controlling the Height of Grass, Weeds, and Other Vegetation within the Town of Felton and Establishing Penalties for Violations Thereof” be and hereby is adopted, as follows, to wit:

ARTICLE IV, TITLE 33

AN ORDINANCE CONTROLLING THE HEIGHT OF GRASS, WEEDS, AND OTHER VEGETATION WITHIN THE TOWN OF FELTON AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF

Section 1. Violations declared nuisance; penalty.

Any person or group of persons, firm, association or corporation found by a code enforcement constable to be violating any of the provisions of this article shall be guilty of a civil violation and of maintaining a nuisance, and shall be fined a civil penalty in the amount of \$25.00. Each day that a property remains in violation of this Article shall be considered a separate offense, which separate offense shall be subject to a separate penalty. Any civil penalty not paid within 30 days of the date of the citation, or if an appeal was filed, within 15 days of the town manager's final decision, shall be added to the property tax bill as outlined in this article.

Section 2. Unlawful to allow growth above certain height.

It shall be unlawful for any person, group of persons, firm, association or corporation to permit any grass or weeds or other vegetation whatsoever other than edible vegetables, trees and flowers to grow higher than ten inches from the ground on any lot or parcel of ground within the corporate limits of the town, owned by such person, group of persons, firm, association or corporation whether the lot or parcel of ground has or has not erected thereon improvements. Yards shall be kept free from trash and debris that interfere with mowing of the area.

Section 3. Unlawful to allow growth in sidewalks, walkways, and other areas and to fail to properly collect grass and weed clippings.

(a) It shall be unlawful for any person, group of persons, firm, association or corporation to permit any grass, weeds or other vegetation whatsoever to grow in any sidewalks, walkways, stairs, driveways, curbs, parking spaces, and similar areas.

(b) It shall be unlawful for any person, group of persons, firm, association or corporation to permit grass clippings, discarded weeds, or any other yard waste to accumulate, be blown, swept, raked, or otherwise placed on any street or sidewalk, catch basin, drainage basin, or other storm water management pond or structure in the Town. Excluded from this ordinance is yard waste properly stored in a can, bag, or other container that is sufficient to prevent the yard waste from blowing or spilling from the container which is otherwise permitted to be temporarily placed on the street or sidewalk in the Town for pickup for disposal or recycling.

Section 4. Abatement of nuisance by Town upon owner's failure; collection costs.

(a) *Courtesy notice.* When a code enforcement constable observes a violation of this article on a property that within the past 12 months has not been subject to an abatement action or been issued a courtesy notice or legal notice of violation, the code enforcement constable shall place a courtesy notice of violation on the door of the property requiring abatement of the violation within five calendar days of the posting of the notice. For vacant properties, notice shall be posted in a prominent location on the property.

(b) *Legal notice.* If a violation is not abated as prescribed in the courtesy notice, or if a code enforcement constable observes a violation of this article on a property that does not meet the eligibility requirements prescribed in subsection (a) for a courtesy notice, legal notice shall be issued requiring abatement within five calendar days of the date of the posting or mailing or hand

delivery of the notice, whichever occurs last, or the town will proceed to abate the nuisance and assess the property owner civil penalties from the date of the issuance of the legal notice and the costs of abatement. Legal notice shall be posted on the property, mailed or hand delivered to the property owner, and mailed or hand delivered to the occupant (if the property owner's mailing address differs from the address of the property). The legal notice shall indicate that for the remainder of the calendar year (January 1 through December 31), the town shall proceed, without further notice, to abate any violations of this article observed on the property and assess the property owner the costs of abatement and civil penalties. After each enforcement action, a citation and invoice shall be mailed to the property owner for the abatement costs and civil penalties.

(c) *Recovery of abatement costs and civil penalties.* The abatement costs, together with any civil penalties, collection costs, interest, and other costs incurred by the town, shall constitute a claim against the property owner and may be collected in any lawful manner available to the town. Thirty (30) days after the date of the citation and invoice, or if an appeal was filed, thirty (30) days after the town manager's final decision, as authorized by 25 Del. C. § 2901(a)(1), unpaid civil penalties and/or abatement costs may be added to the property tax bill for the property and may be collected in the same manner as property taxes. The legal notice of violation and any citation and invoice sent to the property owner shall include notice of the right to appeal. Any abatement costs and civil penalties outstanding for more than 30 days from the date of the citation or invoice shall accrue interest at the rate of 1.5% per month until paid.

Section 5. Charge for mowing by town.

When the Town takes enforcement actions hereunder to remediate violations of this article, the following cost shall be assessed:

- (1) Mowing and/or weed eating—As set forth in the fee schedule
- (2) Removal of trash & debris from area (if needed)—As set forth in the fee schedule
- (3) Administrative charge—As set forth in the fee schedule

Section 6. Advertisement.

The town manager or his/her designee shall place a copy of this article in a newspaper of local distribution once each calendar year. Enforcement will not begin until 15 days after publication of the ordinance.

Section 7. Appeals procedures.

Any property owner or responsible party seeking to appeal the decision of a code enforcement constable finding the property to be in violation of this article may file an appeal, in writing, to the town manager after receiving a courtesy notice or legal notice, provided the appeal is filed no later than ten business days of (1) the date the notice is hand delivered to the property owner or (2) the post-marked date of the citation and invoice sent to the property owner for the abatement costs and civil penalties. The town manager shall review the appeal and provide the appellant with an opportunity to present his/her case to the town manager. The town manager shall issue a written determination within 20 business days of receipt of the appeal.

Section 8. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent

upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Town Council's intent.


Section 9. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

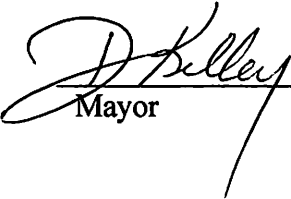
This ordinance declares it to be unlawful for grass and weeds to be permitted to grow to exceed a height of 10 inches. It is also unlawful to fail to collect grass and weed clippings and permit them to be scattered on streets or sidewalks or allow them to infiltrate stormwater management systems. This ordinance establishes penalties for violations thereof, including notice and appeal procedures, along with procedures authorizing the town to abate violations of the ordinance and assess the costs to the property owner.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Felton at its regular Council meeting on April 13, 2026.

ATTEST:



Council Secretary



Mayor