

# TOWN OF MAGNOLIA

## ARTICLE VII RESIDENTIAL AND COMMERCIAL PROPERTIES

### 701. Construction/Building Permits (Formerly Ordinance 407)

Any resident building or adding on to any structure on any property within the Town of Magnolia shall obtain a construction/building permit from the Mayor or Vice Mayor providing a full description of the construction to be completed, estimated time for completion, approximate valuation of the project and pay a permit fee of \$75.00. Such construction permit shall then be submitted to the appropriate Kent County office for issuance of a permit. Each Town of Magnolia permit is good for a period of one year; if work is not completed owner must apply for a new permit. No permit will be issued if the property owner is delinquent on any taxes, water bills, or owes the Town any other fees. Such bills must be paid in full or payment arrangements made and approved by the Mayor and Town Council. The Town of Magnolia follows the guidelines set forth by Kent County Inspection and Enforcement Division as to when a construction/building permit is required.

### 702. Maintenance of Properties (Formerly Ordinance 405 and part of 601)

Properties must be kept free and clear of any trash and/or debris, and the outside appearance of the property structure must be kept up to Code as defined by Kent County, thereby promoting safety, and exhibiting concern for the other residents of the Town of Magnolia. Maintenance of any residential property shall conform to the housing regulations of the Department of Health and Social Services, Fire Marshal Code, and Kent County Code Enforcement.

At no time shall a resident in the Town of Magnolia allow to accumulate any amount of trash, debris, personal items, toys, parts, household items, construction debris, or any other item that could be considered a fire hazard, or that could block access to the property by an emergency response vehicle. Any violation of such accumulation shall be remedied by first receiving notice to clear the matter within 72 hours. Should the matter not be cleared, the Town may remove and discard the materials and the cost will be assessed to the property owner accordingly. A lien may be attached to the property pending payment of such costs.

### 703. Abandoned / Vacant Buildings

Owners of abandoned or vacant buildings in the Town will be required to register the property with the Town and annually pay a fee to be determined by the amount of time the property has been unoccupied. (NOTE: Vacant buildings are defined as buildings, structures, residential structures, dwelling units or commercial structures that have been left unattended or unoccupied for more than 90 days or more and are detrimental to the surrounding buildings and to the

Town's quality of life. The standard applied will be the International Property Maintenance Code 2012, a copy of which will be available at Town Hall, or online at [codes.iccsafe.org](http://codes.iccsafe.org).)

The fees will be assessed as follows:

- a. For properties unoccupied more than three (3) consecutive months and less than one (1) year, the annual fee will be \$500.00.
- b. For properties unoccupied more than one (1) year and less than two (2) years, the annual fee will be \$1000.00.
- c. For properties unoccupied more than two (2) years and less than three (3) years, the annual fee will be \$2000.00.
- d. For properties unoccupied more than three (3) years, the annual fee will be \$3000.00.

The registration form is available on the Town of Magnolia's website: [magnolia.delaware.gov](http://magnolia.delaware.gov)

Exemptions to these fees will be considered for properties:

(a) that are being actively marketed for sale or lease at no more than 25% over market rate. If the sale price is perceived by the Town to exceed 25% over market value, burden of proof will be upon the property owner to produce an appraisal to gain exemption. The appraisal should be no more than one (1) year old and utilize accepted appraisal standards.

(b) with an active Town of Magnolia building permit as well as an active Kent County building permit. If work on the building for which a building permit was issued is not begun within 6 months of the date of issue, the exemption will no longer apply and the building will be considered vacant and retroactively charged to the date of having first been considered vacant.

(c) that are undergoing environmental cleanup or assessment.

(d) that are currently in probate or where the owner has entered a long term care facility within six months of the building becoming vacant.

In each case, documentation of such is required.

Failure to register the property will waive any rights to exemptions as noted above and the fees will be due immediately. Failure to pay the registration fee within 30 days of becoming vacant will result in a late fee of \$25.00 for each month until the registration fee is received in full.

Vacant structures will be required to be secured. Proof of adequate property insurance will be required annually by the Town. Utilities may be temporarily suspended for safety, but trash/debris shall not accumulate inside or outside the building.

For buildings whose vacancy predates the date of ratification of this ordinance, the date of ratification will become the day that the Town considers the building to have become vacant.

If the property is sold, the property owner will be due a prorated balance of any remaining registration fee being calculated by the remaining full months in the individual's registration year.

704. Condemned Property (Formerly Ordinance 408)

Any property deemed a fire and/or safety hazard by the Town Council shall immediately be inspected by the appropriate Kent County inspectors, who shall determine if property is condemned, and once condemned shall be immediately posted and legal remedies applied by and through the State of Delaware should the property owner not correct the problem within the required time frame.

705. Solicitations (Formerly Ordinance 215)

[DELETED]

706. Yard Sales (Formerly Ordinance 216)

Privately held yard sales or placement of any item for sale upon any residential property within the Town of Magnolia shall not be held upon public sidewalks, and shall not be held for longer than 72 hours.

707. Trash Removal (Formerly Ordinance 403)

Each resident shall be responsible for trash removal accordingly. Trash shall not accumulate for more than one week.

708. Mowing of Grass (Formerly Ordinance 404)

Grass on all properties within the Town should be no more than 6 inches tall. The property owner will be given one written notice, either personally delivered or by US Postal Service, to mow the lawn and if it is not remedied within 48 hours the Town of Magnolia will have it mowed and charge the owner a minimum of \$75.00 for the first violation and each additional mowing thereafter for that season. Only one written notice per season will be given.

Effective July 1, 2016