Item:    To update Code Section 4-2-3- (b) .

Discussion:

1.  Code Section 4-2-3-(b) is outdated and not enforceable by the Court system.

2. The Code needs to be updated to have enforceable consequences for failure to comply.

3. The Code Section is currently written as follows:

Sec. 4-2-3. - Property to be kept free of junk, debris, etc.

(a)    Each and every owner or occupant, or both, of real estate within the limits of this town shall hereafter keep such property free of all debris, trash, junk and over one discarded and unlicensed motor vehicle or parts thereof, with the one not visible from the street and covered; nor shall such owner or occupant, or either, cause or permit such debris, trash, junk or over one discarded and unlicensed motor vehicle and parts thereof to be stored or therefor shall permit the same to remain on the property of another in violation of this section.

(b)    When a violation of this [section] is evident, the chief of police shall notify the person in violation, either in person or in writing of the violation. It the violation still exists 30 days after proper notification to the person in violation, the violator may be summoned to court to show cause why he or she should not be fined. Upon conviction of the above, the judge trying the case may fine the person or persons not less than $5.00 nor more than $100.00 and each day that such matter is allowed to remain upon such property shall constitute a separate offense.

(Code 1969, § 17-3.1; Ord. of 8-6-99)

Recommendation:

1. Town Council approves as a first reading the following updates to the Code section:

Sec 4-2-3- (b)

Failure to comply with a notice to remove debris, trash, junk and litter from a property within seven days of notification will constitute a violation of this section. The town manager shall be authorized to remove such material from a property and bill the property owner for the expense of such. Failure to pay for the removal of above material within 15 days of notification will constitute a lien against the property for the amount so billed.