

SUBSTITUTE NO. 1 TO ORDINANCE NO. 14-033

AN ORDINANCE TO AMEND CHAPTERS 4 AND 34 OF THE CITY CODE REGARDING PAINTING OF EXTERIOR SURFACES ON BUILDINGS AND REPAIR OF FENCES

Rev. 1
#3953

Sponsors:

Council
Members
Freel
Dorsey Walker
Cabrera

WHEREAS, the City Council has imposed certain requirements on property owners governing the maintenance of their buildings and properties located in the city of Wilmington; and

WHEREAS, Chapters 4 and 34 of the Wilmington City Code require property owners to remove flaking and peeling paint from exterior wood and metal surfaces, and to re-paint those surfaces or to cover those surfaces with some other protective coating to prevent decay, but the code is silent as to the maintenance of other types of exterior surfaces which evidence flaking and peeling paint; and

WHEREAS, certain property owners have installed fences on their properties, but fail to repair the fences when the fences fall into a state of disrepair; and

WHEREAS, the City Council seeks to amend Chapter 4 (Building Code) and Chapter 34 (Housing Code) to require property owners to remove any paint which is flaking, peeling and chipping from the exterior of their buildings and to make necessary repairs to fences located on their properties.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 4 of the City Code is hereby amended by amending Section 4-27, 116.1.1 by deleting the under-stricken language and by adding the underlined language to read as follows:

Section 116.1.1. Building maintenance, etc.—Responsibilities of owner. No person shall own any building within the city which does not comply with the following requirements, particularly in connection with any evidence of decay of any of the items herein enumerated such as to render the building unsafe:

- (e) Exterior wood metal surfaces, and public structures, including bridges and appurtenances. All exterior wood and metal surfaces, and public structures, including bridges and appurtenances, shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion. Any evidence of decay such as cracking, scaling, peeling or loose paint or decay of any other protective coating, regardless of the type of surface painted or upon which any other protective coating has been placed, shall be a violation of this section. With regard to surfaces other than wood or metal, once the decaying paint or protective covering is removed, a property owner shall re-paint or re-apply any other protective coating if a protective coating is necessary to protect the surface from decay or otherwise make it weather tight.

- (r) Fences. All fences located on an individual's property shall be maintained in good condition. Evidence of disrepair such as large holes, collapsed sections, missing sections, missing or broken railings and/or posts, shall be a violation of this section.

Chapter 34 of the City Code is hereby amended by amending Section 34-236 by deleting the under-stricken language and by adding the underlined language to read as follows:

34-236. Responsibilities of owners.

No person shall own a building within the city which does not comply with the following requirements, particularly with respect to any evidence of decay of any of the items enumerated:


- (5) *Exterior wood and metal surfaces.* All exterior wood and metal surfaces shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion. Any evidence of decay such as cracking, scaling, peeling or loose paint or decay of any other protective coating, regardless of the type of surface painted or upon which any other protective coating has been placed, shall be a violation of this section. With regard to surfaces other than wood or metal, once the decaying paint or protective covering is removed, a property owner shall re-paint or re-apply any other protective coating if a protective coating is necessary to protect the surface from decay or otherwise make it weather tight.

- (17) Fences. All fences located on an individual's property shall be maintained in good condition. Evidence of disrepair such as large holes, collapsed sections, missing sections, missing or broken railings and/or posts, shall be a violation of this section.

SECTION 2. This ordinance shall become effective on June 1, 2016, upon passage by City Council and approval by the Mayor.

First Reading July 3, 2014
Second Reading . . . July 3, 2014
Third Reading February 18, 2016

Passed by City Council



President of City Council

ATTEST:



City Clerk

Approved as to form this 16th
day of December, 2015

Danay Shatner
Assistant City Solicitor

Approved this 23 day of
Feb, 2015- 2016

Devin P. Williams
Mayor

SYNOPSIS: This ordinance amends sections 4-27, 116.1.1 and 34-236 of the Wilmington Code relating to the responsibilities of property owner. The ordinance requires property owners to remove all flaking and peeling paint from the exterior of their buildings, regardless of the type of surface painted, and for surfaces other than wood or metal, to paint or otherwise cover those surfaces with a protective coating if the protective coating is necessary to protect the surface from decay or make it weather tight. The ordinance also requires property owners to repair fences located on their properties which have fallen into disrepair.