

SUBSTITUTE NO. 1 TO ORDINANCE NO. 17-040

AN ORDINANCE TO AMEND CHAPTER 5 OF THE WILMINGTON CITY CODE RELATING TO PUBLIC NUISANCES

**Rev. 1
#4425**

WHEREAS, Chapter 5 section 5-58 of the City Code sets forth provisions regarding

Sponsor:

the definition and abatement of public nuisances; and

**Council
Member
Freel**

WHEREAS, upon review by the City Administration and City Council, the Council

Co-Sponsor:

deems it necessary and appropriate to amend Chapter 5 section 5-58(b) by modifying the

**Council
Member
Dixon**

definition of a public nuisance to extend the time period during which points may accumulate

to better capture nuisance activity impacting the public interest.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON

HEREBY ORDAINS:

SECTION 1. Chapter 5 section 5-58 of the City Code is hereby amended by deleting the stricken language and adding the underlined language:

Sec. 5-58 – Public nuisances.

* * *

(b) Public nuisance defined. For purposes of this section, a public nuisance shall be deemed to exist whenever, through violation of any of the following provisions resulting from separate incidents at a building, erection, residence or place, 12 or more points are accumulated within a period of six consecutive months or 18 or more points are accumulated within a period of ~~12~~ 18 consecutive months, in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. For purposes of this section, an "incident" will be defined as the execution of an enforcement action in response to a violation of the law, with or without an arrest or conviction, and occurs: 1) on or outside the premises, but within the perimeter of the lot on which the building, erection, residence or place is located; ~~;~~ or 2) on any adjacent or accessory parking lot used in connection with said

building, erection, residence or place; 2 or 3) occurs outside the premises, but was initiated inside the premises. Except that points for a violation of the Wilmington City Code shall only be assessed upon the issuance of a criminal summons or civil citation. The owners, occupants, lessors, lessees, licensees, and all those persons in possession or having charge of the property as agent or otherwise, or having any interest in the property, real or personal may be held liable under these provisions for conducting or maintaining a public nuisance.

SECTION 2. Effective date. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval of the Mayor.

First Reading October 19, 2017
Second Reading October 19, 2017
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this
____ day of _____, 2017

Deputy City Solicitor

Approved this ____ day of
_____, 2017

Mayor

SYNOPSIS: The Ordinance amends Chapter 5 section 5-58 entitled Public Nuisances by modifying the definition of a public nuisance to extend the time period during which points may accumulate to better capture nuisance activity impacting the public interest.

W0096913