

Ordinances of the Village of Ardencroft

76 - 1 Date and time of Regular Town Meetings

Regular Town Meetings shall be held at 8:00 p.m. on the third Thursday of the months specified in the Act to Incorporate the Village of Ardencroft.

76 - 2 Nomination and election of Officers and Committees of the Town Meeting

The Coordinating Committee shall present nominations as specified in Section 10(c) of the Act to Incorporate the Village of Ardencroft at the regular January Town Meeting. Election of Officers and Committee members will be held at the regular March Town Meeting.

76 - 3 Fiscal Year

The fiscal year of the Village of Ardencroft shall begin on March 25th and shall end March 24th of the next calendar year.

76 - 4 Order of Town Meeting Business

A. The Order of Business for regular Town Meetings shall be as follows:

1. Call to order
2. Reading of the minutes of the previous Town Meeting
3. Reading of communications
4. Report of the Chairperson of the Town Meeting
5. Report of the Treasurer
6. Reports of Committees
7. Reports of Special Committees
8. Report of the Directors of the Ardencroft Association
9. Election of Officers and Committees
10. Unfinished Business
11. New Business
12. Good and Welfare of the Village of Ardencroft
13. Adjournment

B. The Order of Business for Special Town Meetings shall be as follows:

1. Call to order
2. Reading of notice of Special Town Meeting
3. Special Town Meeting business
4. Adjournment

76 - 5 Rules of Order for Town Meeting

All Town Meeting, whether regular or special, shall be governed by Roberts Rules of Order. In the absence of a Parliamentarian, the Chairperson of the Town Meeting or alternate will decide the question. Any eligible voter, seconded by another eligible voter, shall have the right of appeal to the Town Meeting, a two-thirds vote being required to overrule the decision of the Chairperson of the Town Meeting or alternate.

76 - 6 Conduct of business of special town meeting

At a Special Town Meeting, no business other than that state in the notice thereof shall be considered.

76 - 7 Designation of Alternate Chairperson of the Town Meeting

The Chairperson of the Town Meeting may designate an alternate to preside over a Town Meeting whether regular or special, in order of precedence should be the Treasurer, Chairperson of a Committee, Chairperson of a Special Committee and the immediate past Town Meeting Chairperson. If the Chairperson is absent from a Town Meeting whether regular or special and has not previously designated an alternate, the Town Meeting will select by majority vote a member of the Coordinating Committee...

76 - 8 Designation of Alternate Secretary of the Town Meeting

In the absence of the Secretary of the Town Meeting at a Town Meeting whether regular or special, the Chairperson of the Town Meeting or alternate shall designate an eligible voter to fill the vacancy during the meeting, or until the absent Secretary appears, when the latter shall take the official place in the Town Meeting.

76 - 9 Motor Vehicles

Motor Vehicles are prohibited from town paths and parkland and the playground of the Village of Ardencroft. The penalty for breach of this ordinance shall be a fine not to exceed \$100 and/or 25 hours of service to the Village of Ardencroft, as provided for in Section 13 of the Act to Incorporate the Village of Ardencroft.

(Note - This ordinance was superceded by Ordinance 85 -1 at the November 21, 1985 Town Meeting)

76 - 10 Speed Limit

The speed limit in the Village of Ardencroft is fifteen (15) miles per hour on all roads except Veale and Harvey Roads. The penalty for breach of this ordinance shall be a fine not to exceed \$100 and/or 25 hours of service to the Village of Ardencroft, as provided for in Section 13 of the Act to Incorporate the Village of Ardencroft.

76 - 11 Littering

Littering on the streets, rights of way, paths, parklands, and the playground of the Village of Ardencroft is prohibited. The penalty for breach of this ordinance shall be a fine not to exceed \$00 and /or 25 hours of service to the Village of Ardencroft, as provided for in Section 13 of the Act to Incorporate the Village of Ardencroft.

76 - 12 Noise Abatement

Excessive noise in the use of motor vehicles in the Village of Ardencroft is prohibited. This includes improper muffling and the unnecessary screeching of tires. All other excessive motor type noises are restricted to the hours between sun-up and sun-down. The penalty for breach of this ordinance shall be a fine not to exceed \$100 and/or 25

hours of service to the Village of Ardencroft, as provided for in Section 13 of the Act to Incorporate the Village of Ardencroft.

Ordinances numbered 76 - 1 through 76 - 12 were passed at the December 8, 1976 Special Town Meeting.

77 - 1 Recreation Committee

A Recreation Committee for the Village of Ardencroft is hereby established to represent and be responsible to the Town Meeting for the planning and coordination of social and cultural activities of the village.

The Recreation Committee shall consist of five (5) members whose term shall be two (2) years. Three (3) members shall be elected on even-numbered years and two (2) on odd-numbered years.

77 - 2 Assessors Committee

An Assessors Committee for the Village of Ardencroft is hereby established. It shall be the duty of the Assessors Committee to make annual recommendation as to the rental value of the lands in Ardencroft and to report in writing the same to the Directors of the Ardencroft Association and to the regular November TOWN Meeting with all substantive data on which their recommendation sare based. Two (2) public hearings shall be held before such recommendations are submitted, and due notice of such meetings shall be given to all eligible voters by mail or delivery at least five (5) days before such meetings.

The Assessors Committee shall consist of five (5) members who shall serve for a term of (1) year.

77 - 3 Safety Committee

A Safety COmmittee for the Village of Ardencroft is hereby established to represent and be responsible to the Town Meeting for matters concerning the safety and rights of the residents of the Village of Ardencroft, enforce such village ordinances that have been deemed its responsibility.

The Safety Committee shall consist of five (5) members who shall serve for a term of two (2) years. Three (3) members shall be elected on even-numbered years and two (20) on odd-numbered years.

77 - 4 Finance Committee

A Finance Committee for the Village of Ardencroft is hereby established to represent and be responsible to the Town Meeting for financial matters. It shall work in conjunction with the Treasurer of the Village in seeking additional income and overseeing Village expenditures.

The Finance Committee shall consist of five (5) members who shall serve for a term of two (2) years. Three (3) members shall be elected on odd-numbered years and two (2) on even-numbered years.

77 - 5 Public Works Committee

A Public Works Committee for the Village of Ardencroft is hereby established to represent and be responsible to the Town Meeting for supervision of , construction on, and improvements to all Village property except leaseholds.

The Public Works COmmittee shall consist of seven (7) members who shall serve for a term of two (2) years. Four (4) members shall be elected on odd-numbered years and trees(3) on even-numbered years.

(This ordinance was superceded by Ordinance 90 - 1)

77 - 6 Leash Law

Dogs are prohibited from running loose in the Village of Ardencroft. Any problems concerning loose dogs should be referred in writing to the Safety Committee. The Safety Committee shall contact offending dog owners. If the problem is not resolved, the Safety Committee shall then contact the SPCA.

77 - 7 Trucks and Heavy Equipment

No commercial vehicles or heavy equipment as described by County Code are permitted to park longer than twelve (12) hours period, without consent from the Safety Committee in the Village of Ardencroft.

77 - 8 Cutting of Trees

A leaseholder shall not cut down live timber, defined as twelve (12) inches in circumference measured four (4) feet from the ground, without having written permission from the Public Works Committee that has been signed by four (4) members of the committee.

(Note - This ordinance was superceded by Ordinance 79 - 1 at the May 1979 Town Meeting. It was then superceded by Ordinance 23 - 2 at the January 2023 Town Meeting.)

77 - 9 Off-Street Parking

Parking on the streets of the Village of Ardencroft by its residents is to be discouraged. Further, effective October 1, 1977, parking on the streets of the Village of Ardencroft by its residents on streets adjoining the resident's place of residence is prohibited. Exceptions to this ordinance can be made by the Safety Committee upon written request made by a resident. Decisions of the Safety Committee relative to this ordinance are appealable to the Town Meeting upon written request. The penalty for breach of this ordinance shall be a fine of no less than five dollars (\$5.00) nor more than one hundred dollars (\$1000.00) and/or up to twenty-five (25) hours of service to the

Village of Ardencroft. In addition, repeated violations of this ordinance may result in the towing of vehicle at owner's expense as decided by a majority (3) of the Safety Committee."

The penalty for Ordinance 77 9 was passed at the January, 1978 Town Meeting.

This ordinance was amended to include the last sentence at the July 1986 Town Meeting.

Ordinances 77 - 1 through 77 - 9 were passed at the March 17, 1977 Town Meeting.

77 - 10 Transfer of select local service functions to New Castle County

An ordinance providing for the transfer of responsibility for certain local service functions (as such term is defined in Title9, Delaware Code, Section 1102) from the Village of Ardencroft to New Castle County:

1. Responsibility for the following social service functions (as such term is defined in Title 9, Delaware Code, Section 1102) provided and performed with respect to persons and property within the corporate limits of the Village of Ardencroft be and it is hereby transferred from the Village of Ardencroft to new Castle County in accordance with the provision of Title 9, Part II, Chapter 11, Subchapter I:

All local service functions provided and performed by New Castle County in incorporated areas of New Castle County with the following exceptions: advanced planning, maintenance of drainage systems, parks and park related activities, and recreational programs, fire protection, and any functions performed by the New Castle County Housing Authority.

2. This ordinance shall take effect upon the date of the adoption of a concurring ordinance by the County Council of New Castle County.
3. Transfer of the local service function of police protection shall not limit the powers and authority of the Village of Ardencroft to employ a police force and to enact and enforce motor vehicle codes and other safety measures applicable to the Village; nor shall such transfer supercede, abrogate, or nullify any existing ordinance adopted by the governing body of the Village of Ardencroft providing for a motor vehicle code or like...

78 - 1 Hunting and Trapping

Hunting and trapping shall be illegal in the Village of Ardencroft. However, residents and leaseholders may trap rats, mice, and moles on their own leaseholds. Trapping of rats, mice, and moles may be permitted on parklands, rights-of-way, and paths only after written permission is secured from the Safety Committee. Humane trapping of other animals may be permitted by residents or leaseholders on their property with permission grants in writing by the Safety Committee. The penalty for breach of this ordinance shall be no less than \$25 nor more than \$100 plus confiscation of all traps and firearms used in violation of this ordinance.

Passed at the March, 1978 Town Meeting

79 - 1 Cutting, Destruction and Death of Trees

No person shall cause the destruction or death of any tree, defined as three (3) inches (7.62 cm) in diameter, measured four (4) feet (1.2192 m) above the ground, by any means including but not limited to cutting bulldozing, timbering, landfilling or debarking without having written permission from the Public Works Committee that has been signed by four (4) members of the committee.

The penalty for breach of this ordinance shall be no less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) per tree.

(Note - This ordinance was superceded by Ordinance 23 - 2 at the January 2023 Town Meeting.)

79 - 2 Change in Leasehold Grade

1. Any change in leasehold grade in excess of one (1) foot (.3048 m) in depth and covering one thousand (1,000) sq. ft. (92.9 m²) in area or one thousand (1,000) cubic feet (28.3 cubic meters) shall not be permitted without written permission from the Public Works Committee that has been signed by four (4) members of the committee.
2. Any change in leasehold grade within twenty-five (25) feet (7.62 m) of an existing creek edge shall not be permitted without written permission from the Public Works Committee that has been signed by four (4) members of the committee.

The penalty for breach of this ordinance shall be no less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, plus restoration of the affected area within thirty (30) days of citation of violation by the Public Works Committee.

Passed at the May 1979 Town Meeting

85 - 1 Motor Vehicles

Motor Vehicles are prohibited from town paths and parkland and the playground of the Village of Ardencroft except by permission of the Public Works Committee. The penalty for breach of this ordinance shall be a fine not to exceed \$100 and/or 25 hours of service to the Village of Ardencroft, as provided for in Section 13 of the Act to Incorporate the Village of Ardencroft. This ordinance will supercede #76-9.

Passed at the November 21, 1985 Town Meeting (6 for, 5 against, 3 abstentions)

90 - 1 Public Works Committee

A Public Works Committee for the Village of Ardencroft is hereby established to represent and be responsible to the Town Meeting for supervision of, construction on, and improvements to all Village property except leaseholds. The Public Works Committee shall consist of five (5) members who shall service for a term of two (2) years.

Three (3) members shall be elected on odd-numbered years and two (2) elected on even numbered years.

(Passed at the July 1990 Town Meeting, this supercedes ordinance #77-5)

Ordinance 13, Section 9

The following Ordinance is submitted by the Safety Committee to the Town Assembly as required by [House Bill No. 172, passed on July 25, 2003](#). All municipalities must pass such requirements by March 1, 2004.

It shall be the duty of individuals and artificial entities that provide public parking to provide parking spaces for persons with disabilities. The number of spaces required shall be in accordance with the requirements of New Castle County and the State of Delaware.

It shall be the duty of individuals and artificial entities that provide public parking to erect and maintain signage on parking spaces for persons with disabilities. The signage shall be in accordance with the requirements of New Castle County and the State of Delaware.

The Safety Committee shall enforce the requirements of this ordinance. Enforcement shall consist of first writing a warning to the individual or entity that has failed to comply with all provisions of the ordinance. If, after thirty (30) days from the date of the warning, the individual or entity has still not complied, the Safety Committee may apply for a warrant in the name of the individual or artificial entity.

The penalty for non-compliance with this ordinance is One Hundred Dollars (\$100) per month until such time as the individual or artificial entity complies with the ordinance.

23 - 1 Leaseholder and Village Street Frontage Maintenance Obligations

OVERVIEW

In order to promote safety and proper drainage, the Village of Ardencroft (Village) requires that leaseholders maintain ("maintenance" defined below) street-facing and leasehold-adjacent land ("street frontage", defined below), including clearing street gutters and drains. Street frontage maintenance, especially the several feet abutting the street, by leaseholders of the adjacent leasehold, is required to ensure public safety, enabling clear visibility and mobility on Village streets.

Maintenance of other village land, including cul de sacs, park land, paths, and forests, are the responsibility of the Public Works Committee (PWC). Unless otherwise approved by PWC, altering or destroying vegetation and other features on non-street frontage public land is not permitted and subject to fine.

DEFINITIONS

- 1) Street frontage: For purposes of this ordinance, the definition of street frontage is land that is leasehold-adjacent, public, and street fronting. This ordinance focuses mainly on the several feet of street frontage closest to the street, where communal issues of safety, visibility, and environmental health are most relevant. To determine the extent of street frontage beyond leaseholds, PWC uses the following calculations:
 - a) Village lands containing streets are 50 feet across. From the outer edge of a street gutter to the opposite outer gutter edge, paved portions of streets are 22 feet wide. Generally, this leaves 14 feet fronting leaseholds where village land exists for purposes of streets and utilities. Some narrowing distances occur where leaseholds border cul de sacs. Village land widens to 100 feet across at cul de sacs but pavement and gutters may get nearer to leasehold boundaries in certain locations.
 - b) State roads (Veale and Harvey) are 60 to 65 feet wide and tend to have between 10 and 20 feet of street frontage between leasehold and paved portions of their property.
 - c) When available, markers from leasehold surveys supersede the calculations above in determining where street frontage beyond leaseholds ends and leaseholds begin.
- 2) Maintenance: Leaseholders of land adjacent to street frontage are required to perform the following regular maintenance:
 - a) Clear street frontage to allow pedestrians several feet to safely and comfortably make way for vehicular traffic and to allow for clear visibility of pedestrians and vehicles. Keeping plantings from spilling over from street frontage into the street, gutters and drains, facilitates good street drainage.
 - b) Clear street gutters and drains at the edge of street frontage to remove leaves, trash, and other debris.
 - c) Removal of dead, dying, invasive or other nuisance trees greater than 4 inches in diameter on street frontage land is the responsibility of the PWC. Per Ordinance T., contact a member of the PWC to request removal.
 - d) Refrain from introducing anything that will be counter to the maintenance obligations in 2(a) and 2(b) of this ordinance. With the exception of mailboxes, street frontage shall be kept clear of permanent objects that do not meet the guidelines set forth herein.

OVERSIGHT, PROCESS, AND ENFORCEMENT

The Safety Committee (SC) and PWC are empowered to determine which leaseholds have plants or permanent objects that need trimming, cutting, cleaning, or clearing to comply with this ordinance and shall inform leaseholders and tenants, in writing, of their determinations.

In the event such notice from the SC and PWC do not result in the required action within 30 days, the SC and PWC are empowered to have the work done.

Violations of this ordinance shall be punishable by a fine of not less than \$25 and not more than \$100, in addition to reimbursement of the cost for any work required to be performed by the Village under this ordinance.

23 - 2 Tree Removal

OVERVIEW

To balance the needs of the environment, safety, and other considerations, the Ardencroft Public Works Committee (PWC) oversees the removal of trees on public and leaseholder lands. The Village of Ardencroft (Village) prohibits any person causing the destruction or death of any tree, meeting the criterion below, by any means, including, but not limited to cutting; bulldozing, timbering, landfilling or debarking, without having prior written permission from the PWC. The process for approving tree removal depends on where the subject tree is located, either on leaseholds or on non-leasehold Village land.

DEFINITIONS

- 1) Trees subject to ordinance: any tree 4 inches or more in diameter, measured 4 feet above the ground. To get diameter, measure circumference at 4 feet up the trunk and divide by 3.14.
- 2) Non-leasehold Village land: any land beyond leasehold boundaries, including parks and open space, paths, non-leasehold forested areas, and street frontage.
- 3) Street frontage: land that is leasehold-adjacent, public, and street facing. To determine the extent of street frontage beyond leaseholds, PWC uses the following calculations:
 - a) Village lands containing streets are 50 feet across. From the outer edge of a street gutter to the opposite outer gutter edge, paved portions of streets are 22 feet wide. Generally, this leaves 14 feet fronting leaseholds where village land exists for purposes of streets and utilities. Some narrowing distances occur where leaseholds border cul de sacs. Village land widens to 100 feet across at cul de sacs but pavement and gutters may get nearer to leasehold boundaries in certain locations.

- b) State roads (Veale and Harvey) are 60 to 65 feet wide and tend to have between 10 and 20 feet of street frontage between leasehold and paved portions of their property. DeIDOT is the authority to contact for tree removal on state roads, but PWC can assist leaseholders in seeking DeIDOT aid, if alerted to an issue.
- c) When available, markers from leasehold surveys supersede the calculations above in determining where street frontage beyond leaseholds ends and leaseholds begin. Fourteen feet from the street gutter is the general starting place for assessing street frontage boundaries along village roads, but for all areas, including cul de sacs, PWC will use available information in lieu of survey markers to determine whether or not a subject tree is on a leasehold or within public street frontage.

OVERSIGHT, PROCESS, AND ENFORCEMENT

The PWC is empowered to oversee, and approve or deny, requests for tree removal. Based on location, leaseholders should do the following to seek tree removal.

- 1) For trees on Village leaseholds, leaseholders must seek tree removal authorization by completing an Ardencroft Tree Cutting Permit and submit it as instructed. Permits are accessible on the Ardencroft Association web page, or by contacting any PWC member. Permits require the signatures of 2 PWC members.
- 2) For trees on non-leasehold Village land, defined above, contact the PWC member concerning problems with trees that are not on your leasehold. PWC will address trees that are dead, dying, impeding visibility, or relate to other safety concerns. Non-safety-related requests for tree removal within street frontage by an adjacent leaseholder will be dealt with in the same manner as trees on leaseholds: removal at leaseholder's expense, pending permit approval.

For trees on the boundary of leaseholds and public land, the PWC will work with leaseholders to share costs as appropriate.

Violations of this ordinance shall be punishable by a fine of not less than \$25 and not more than \$100 per tree. Fines may be administered every six months if violation is left unresolved.