

TOWN OF BETHEL ORDINANCES

| | |
|------------|----------------------|
| Chapter 1 | Animals |
| Chapter 2 | Buildings |
| Chapter 3 | Morals and Conduct |
| Chapter 4 | Motor Vehicles |
| Chapter 5 | Nuisances |
| Chapter 6 | Solicitors |
| Chapter 7 | Trees and Vegetation |
| Chapter 8 | Satellite Antennae |
| Chapter 9 | Zoning |
| Chapter 10 | Flood Regulations |

CHAPTER 1

ANIMALS

Sec. 1-1. Manner of keeping animals.

- (a) No person shall keep or maintain any animal in the Town in such manner so as to become a public nuisance or disturb the peace, comfort or health of any person residing within the town.
- (b) The keeping of all animals within the Town shall be subject to all pertinent regulations of the State Health Department.

Sec. 1-2. Keeping of certain animals prohibited.

No person shall keep any swine, cow, bull, sheep or other farm animal within the Town without compliance with the Zoning Ordinance.

Sec. 1-3. Keeping of fowl regulated.

No person shall keep within the Town any poultry, fowl, chickens or rabbits without compliance with the Zoning Ordinance.

Sec. 1-4. Keeping of vicious animals prohibited.

No person shall keep any vicious animal, whether owned by him or not, on his premises within the Town.

Sec. 1-5. Diseased animals.

Every person owning or having any animal under his charge within the Town which he knows or suspects has been affected by any communicable disease, in particular by glanders or anthrax, shall isolate the animal from other animals and shall report the existence or suspected existence of such disease to the State Health Department.

Sec. 1-6. Property owner may impound animal.

Any person who finds an animal or fowl on his property to his injury or annoyance may:

- (a) Remove such animal or fowl to an animal shelter, public or private, or,

- (b) Retain possession of such animal or fowl and, as soon as possible, notify the Humane Society or other appropriate existing agency of this custody, giving a description of the animal and owner's name, if known.

Sec. 1-7. Unnecessary noises by animals.

No person shall keep any animal which by causing frequent or long continued noise shall disturb the reasonable comfort or repose of any person in the vicinity. Such action is declared to be a public nuisance and detrimental to public health and welfare.

Sec. 1-8. Advise owner of noisy animal; notify Humane Society on failure to abate.

- (a) Any person disturbed by a noisy animal shall advise the owner or custodian who keeps such animal of this fact. If the nuisance is not abated, the person shall then notify the Humane Society or other appropriate existing agency.
- (b) The Society shall then advise the owner or custodian of the complaint and of the provisions of this Chapter prohibiting such violation.

Sec. 1-9. Failure to abate nuisance.

No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or long continuing noise of his animal after having been notified in accordance with Section 3-21. Any person failing to abate such nuisance shall be guilty of misdemeanor.

Sec. 1-10. Animals running at large prohibited.

No owner or custodian shall permit any dog, cat, cattle, horse, mule, swine, sheep, goat, geese, ducks, chickens or any other animal to run at large within the Town. Herding such animal or tying it for grazing in any street or other public place shall be deemed running at large within the meaning of this Section. To permit any such running at large is declared to be a nuisance and dangerous to public health and safety.

Sec. 1-11. Animal running at large by accident.

No animal led or permitted to run at large in violation of this Chapter shall be impounded until the penalty for the violation is paid.

Sec. 1-12. Animals at large; impounding.

Any animal led or permitted to run at large in violation of this Chapter shall be impounded until the penalty for the violation is paid.

Sec. 1-13. Officer may impound animal at large.

Any police officer or other officer designated by the Town is authorized to capture and impound any animal at large.

Sec. 1-14. Power to impound.

Any officer or agent authorized or empowered to perform any duty under this Chapter is authorized to go upon any premises and seize for impounding any dog which he may lawfully seize when such officer is in immediate pursuit of such dog, except upon the premises of the owner of the dog if the owner is present and forbids the entry of the officer or agent, then a warrant shall issue according to law at the request of such officer or agent.

Sec. 1-15. Impounding by residents.

Any resident of the Town may take up any animal found running at large and deliver it to a policeman or other authorized person for impounding.

Sec. 1-16. Pound; Humane Society; Impounding

- (a) The Town may by resolution enter into a contract with any Humane Society in the County or other similar association not organized for pecuniary profit as Dog Catcher for the collection, keeping for redemption and destruction of all strays found within the Town in accordance with the provisions of this Chapter.
- (b) The Dog Catcher or authorized agent of the Human Society may seize and take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in by this Article;
 - (1) Any dog off the premises of the owner which the official or his agents have reason to believe is a stray dog.
 - (2) Any dog off the premises of the owner without a current registration tag on his collar;

- (3) Any female dog in season off the premises of the owner; and,
- (4) Any dog which is permitted to run at large within the Town contrary to this article.

Sec. 1-17. Impounding; notice.

If any dog seized in accordance with Article 3-33 wears a collar having inscribed on or attached thereto the name and address of any person or a registration tag, or the owner of the person keeping or harboring the dog is known, the pound keeper shall serve on the person whose address is on the collar, or on the owner, if known, within seventy-two (72) hours of the apprehension, a notice in writing stating that the dog has been seized and will be liable to be disposed of by sale or destroyed if not claimed within seven (7) days after the service of the notice.

Sec. 1-18. Impounding; notice, manner of service.

A notice under this Article may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual, or last known place of abode, or at the address given on the collar, or by forwarding it by mail to that person at his usual or last known place of abode or to the address given on the collar. When convenient, the notice may be given by telephone to the owner, however, a written notice shall still be sent to such owner after the verbal notice.

Sec. 1-19. Redemption of impounded animals.

- (a) The owner of an impounded dog may reclaim his dog if he pays all reasonable expenses incurred by reason of its detention including the sum of not more than Twenty Five Dollars (\$25.00) for seizure and maintenance of the dog for the first twelve (12) hours and the sum of Ten Dollars (\$10.00) for each additional day.
- (b) If the dog is unlicensed at the time of seizure, the owner may reclaim the dog if he produces a license and registration tag for the dog before the expiration of the seven (7) day period.

Sec. 1-20. Disposition of unredeemed dog.

- (a) Any dog apprehended and impounded by the police officer in accordance with the provisions of this Chapter may, if not reclaimed by owner following the expiration of five (5) days from the date of receipt of the registered notice by the owner or from the

date of the posting of the notice in the Municipal Building be turned over and released to the State Dog Warden for disposition in accordance with the provisions of the Game and Fish Laws and Regulations, or the Dog Catcher may release the dog to a person other than the owner upon the payment of the charge imposed for keeping and maintaining the dog.

- (b) Any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but shall be forthwith destroyed without the necessity of giving any notice, as provided in Sec 3-44.

Sec 1-21. Impounding; owner to pay costs.

If, when an animal is impounded, the owner is known, the Dog Catcher shall immediately make a complaint against the owner and thereupon a warrant shall be issued. If the defendant-owner shall be found guilty of violating any of the provisions of the Chapter judgment shall be rendered against him for any prescribed penalty, impounding fee, the costs of sustenance and the costs of suit. An order shall be entered that the animal is to be sold to satisfy the judgment in case it is not paid within seven (7) days. In case such fine and costs are not paid, the animal shall be sold upon the same notice as is required upon sale or execution. The owner shall be entitled to any excess of sale proceeds.

Sec. 1-22. Redemption prior to sale.

Nothing contained in this Article shall be construed to prevent the owner of any impounded animal from redeeming it at any time before sale, by paying all penalties, fees, costs and charges accrued up to the time the sale was stopped.

Sec. 1-23. Collection of fine where sale proceeds are insufficient.

When the proceeds of the sale are insufficient to satisfy the costs, fees and penalties incurred, the balance of the debt owing may be collected by the Town through due process of law.

Sec. 1-24. Stray dogs.

Anyone who picks up any stray dogs shall immediately notify and turn the dog over to the Dog Catcher.

Sec. 1-25. Regulations concerning vicious dogs.

- (a) Any dog which habitually (two [2] or more times) bites or injures any human or habitually attacks, bites or injures other dogs or animals, or which has a known propensity to attack or bite human beings or animals is hereby defined to be a vicious dog for the purpose of this Chapter.
- (b) It shall be the duty of the Chief of Police or their designees to receive and investigate complaints against dogs. Whenever any dog complained against shall be deemed by the above officers to be a possibly vicious dog, the officer shall report the facts to a court of competent jurisdiction.
- (c) The court of competent jurisdiction shall cause the owner or person harboring the dog, deemed to be possibly vicious, to be notified in writing of the complaint against the dog. The notice shall state the time and place of the hearing before the Court.
 - (1) The Court at this time set for the hearing shall inquire into the facts, and all the interested persons an opportunity to be heard, under oath, and be represented by counsel.
 - (2) The Court shall decide in accordance with the evidence before him, and if the Judge decides the dog complained of is in face a vicious dog, as defined in Subsection (a), notice of the decision shall be given to the owner or person harboring the dog.
- (d) No dog which has been determined to be a vicious dog shall be permitted to run at large or be upon any street or public place, except while securely confined by an adequate leash and humanely muzzled so that it shall be impossible for it to tear or otherwise would with its teeth any human being or animal, and shall be in the charge of a responsible person.
- (e) The Police shall keep a record of all vicious dogs.

Sec. 1-26. Dangerous dog may be slain.

If any dangerous, fierce or vicious dog shall be found running at large and cannot be taken up or tranquilized and impounded, such dog may be slain by any police officer or agent authorized to perform any duty under this Chapter.

Sec. 1-27. Female dogs in heat.

Female dogs in heat found running at large shall be seized and impounded and shall not be released except on approval of the Dog Catcher and payment of the fees.

CHAPTER 2

BUILDINGS

Sec. 2-1. Building Code adopted.

- (a) The 1982 Revision of the Southern Standard Building Code, published by the Southern Building Code Congress, is adopted by this reference and made a part of this Chapter with the same force and effect as though set out in full herein, as the official Building Code of the Town.
- (b) At least three (3) copies of the Building Code shall be on file in the office of the Clerk for public inspection and use.

Sec. 2-2. Building, Permit required.

No person shall construct, alter or repair any building or structure within the City limits without first having secured a permit in accordance with the Zoning Ordinance.

Sec. 2-3. Maintenance of dilapidated building; nuisance.

The maintaining of dilapidated buildings on any property located within the Town limits which constitutes a serious hazard to life and property shall be a common and public nuisance.

Sec. 2-4. Fire Hazard Inspection Committee; composition; duties.

- (a) Fire Hazard Inspection Committee, appointed by the President, shall consist of not less than three (3) members, at least two (2) of whom shall be elected members of the Council. One (1) of the elected members so appointed by the President shall be designated chairman of the Committee.
- (b) The Fire Hazard Inspection Committee shall investigate information received by the Council that any building within the corporate limits of the Town is a serious hazard to life and property.

Sec. 2-5. Investigation procedure; report.

- (a) Whenever the Council receives any information that a building located within the Town limits is a serious hazard to life and property, the Mayor shall direct the Hazard

Inspection Committee to investigate and determine whether the building is a serious hazard to life and property.

- (b) The Committee shall proceed to make its investigation and shall make a report not later than thirty (30) days after having been directed to make an investigation to the Council setting forth in writing its findings and conclusions concerning the building.

Sec. 2-6. Public hearing; notice; contents.

- (a) If the Committee concludes following its investigation that the building is a serious hazard to life and property, the President and Council shall direct a notice to the owner of the building at his last known address.
- (b) The notice shall set forth the finding and conclusions of the Committee. It shall set a time and date for a public hearing before the President and Council to afford the interested parties an opportunity to show why the building investigated by the Committee should not be declared a hazard to life and property and why it should not be ordered demolished. The date of the public hearing shall be not later than twenty (20) days from the date of the notice. Any notice given pursuant to this Section shall be by certified mail with return receipt requested.

Sec. 2-7. Public hearing; evidence presented.

At the hearing, the owner of the building shall be permitted to present evidence why the building should not be declared a common and public nuisance and why he should not be required to abate the condition.

Sec. 2-8. Findings of Council; remedial measures or demolition.

- (a) Following the hearing and the presentation of any evidence by the owner, the Council shall **ise** its findings and conclusions concerning the building. If it is found that the building constitutes a hazard to life and property but that measures may be taken to remove the dangerous conditions and render the building safe, the findings and conclusions shall specify a time within which the corrective measures shall be taken. The owner may, at his discretion comply with the order to demolish the building.
- (b) If it is found that conditions render the building a hazard to life and property and that no corrective measures may be taken to abate the conditions and render the building safe, the building shall be declared to be a common and public nuisance and its demolition by a certain date shall be ordered.

Sec. 2-9. Enforcement of Council findings.

If the owner fails to comply with the orders issued by the Council within the time specified, the Council shall authorize the attorney for the Town to file suit in the property court against such owner and obtain the necessary orders to enforce the directions of the Council.

Sec. 2-10. Penalties and Violations.

Any person, firm or corporation, or any agent of any person, firm or corporation, who shall violate any provision of this Code, or shall erect, construct, alter, demolish, or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of this Code shall be deemed guilty of a misdemeanor and upon thereof, shall be fined not more than Two Hundred Dollars (\$200.00) or imprisoned for a term of not more than five (5) days, or both, and shall pay the costs of prosecution. For the purposes of this Ordinance, each day that violation continues shall be considered to be a separate offense.

CHAPTER 3

MORAL AND CONDUCT

Sec. 3-1. Assault and battery prohibited.

No person shall commit any assault or battery upon any person within the Town limits.

Sec. 3-2. Drunkenness in public.

No person shall be in a drunk or intoxicated condition in or on any public place or in any place open to the public.

Sec. 3-3. Drinking intoxicating liquors prohibited under certain circumstances.

No person shall drink any intoxicating liquors on any street, highway, parking lot or in any motor vehicle not on private property or upon private property without the express consent of the owner.

Sec. 3-4. Possession of alcoholic beverages by minor.

- (a) No person, under the age of twenty (20) years, shall have upon or about this person or have in his possession any alcoholic, malt or spirituous beverage within the Town limits or within the limits of other territory which is under the police protection of the Town.
- (b) Any such person violating this Section shall be deemed guilty of a misdemeanor.

Sec. 3-5. Consumption of alcoholic beverage by a minor.

- (a) No person, under the age of twenty (20) years, shall consume any alcoholic, malt or spirituous beverage upon the streets or any other public place within the Town limits or within the limits of other territory which is under the police protection of the Town.
- (b) Any such person violating this Section shall be guilty of a misdemeanor.

Sec. 3-6. Gambling prohibited.

- (a) No person shall deal, carry on, operate or conduct either as owner, lessee, manager, agent, dealer or employee, whether for hire or not, any game of cards, dice, slot machine, or any other devices for merchandise, money, checks, credits, or any other valuable thing.
- (b) No owner, lessee, agent, employee, or manager of any house, building or any part thereof shall permit such gambling to be played in such house, building or any part thereof.

Sec. 3-7. Premises used for unlawful activities.

- (a) No person shall maintain or operate any house, building or any part thereof, hereunder where:
 - (1) Prostitution, vulgar or sexually unchaste activities, gambling, bookmaking, lotteries, or the sale of tickets or participation rights in any lottery is permitted;
 - (2) Any slot machine or device or apparatus designed for gambling is kept; or
 - (3) It is frequented or resorted to by noisy or disorderly persons.

Sec. 3-8. Solicitation under false pretenses.

No person shall beg or solicit alms or charity under false pretense in any public or private place.

Sec. 3-9. Loitering; police order to disperse.

- (a) No person shall loiter, loaf, wander, stand or remain idle either or alone and/or in consort with others in a public place in such manner as to:
 - (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
 - (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free an uninterrupted ingress, egress, and regress therein, thereon and thereto.

- (b) When any person causes or commits any of the conditions enumerated in Subsection (a) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move or to disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.
- (c) A person commits a violation if:
 - (1) He loiters or prowls in a place, at a time, or in a manner not unusual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.
 - (2) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.
 - (3) Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this Subsection afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.
 - (4) No person shall be convicted of an offense under this Subsection if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

Sec. 3-10. Regulating and prohibiting unnecessary and disturbing noises; exceptions.

- (a) No person shall willfully make or cause to be made any loud, boisterous, raucous or unseemly noise or disturbance to the annoyance of any other person; provided, nothing contained in this Section shall restrict or limit the normal use to be made of parks, recreation places, playing fields and playgrounds.
- (b) No person shall, for commercial purposes, or in connection with any commercial enterprise, erect or locate any device or apparatus in or on the exterior of premises owned or occupied by him which by mechanical or electrical means, emits any loud sounds or noises, so as to annoy or disturb passers by on the street or the general public. The provisions of this Section shall not apply, in time of emergency, to any announcement or broadcast of any current events of public interest.

- (c) No person shall operate, or cause or allow to be operated any engine of any motor vehicle unless the exhaust therefrom shall be so muffled, controlled or insulated that it shall be so muffled, controlled or insulated that it shall make no noise that will be offensive to any of the inhabitants.
- (d) No person shall play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or the reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto, or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The use or operation of any such instrument, radio, phonograph, machine or device between the hours of 11:00 PM and 7:00 AM in such a manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle or place in which it is used or operated, shall be prima facie evidence of a violation of this Article. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building or in the open air.
- (e) No hawker, peddler or vendor, licensed or unlicensed, shall shout or cry out his goods, wares and merchandise upon a street or public place between the hours of 6:00 PM and 8:00 AM in such a manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle or place in which it is used or operated, shall be prima facie evidence of a violation of this Article. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building or in the open air.
- (f) No person shall on Sunday and upon any other day of the week between the hours of 6:00 PM and 7:00 AM operate and use tools or equipment in conducting any excavation, demolition, erection, alteration, repair or other construction within one thousand (1,000) feet of any dwelling or business property which shall make any loud or disturbing noise, except in case of urgent necessity in the interest of public safety and then only upon obtaining a permit from the Town.
- (g) Nothing contained herein shall prohibit the construction on Sunday of a house of worship, educational facility, library or similar building by a non-profit religious, educational, or other eleemosynary institution, which such construction is performed by members of the institution, without compensation and when activity is carried on between the hours of 12:00 Noon and 6:00 PM.

Sec. 3-11. Trespass prohibited; peeping prohibited.

- (a) No person shall trespass in or upon premises occupied by another within the Town limits.
- (b) No person shall while on the premises of another, conduct himself in a manner by which he peers or peeps into the window, door or any other opening whatsoever.
- (c) Any person violating the provision of this Section shall be guilty of a misdemeanor.

Sec. 3-12. Open air burning prohibited without permit; exception.

- (a) No person shall burn or set afire any lot or land, trash, refuse, garbage, waste or other matter or thing within the town limits without obtaining a special permit from the Council. Any person violating this section shall be guilty of a misdemeanor.
- (b) This section shall not prohibit the use of outdoor fireplaces or other devices for the preparation of food; nor the burning of leaves or other dead vegetation provided such burning is done in a reasonable manner and an adequate water supply is available for immediate use in the event of any emergency.

Sec. 3-13. Abandoned refrigerators prohibited.

No person shall store or leave any place accessible to small children within the Town limits any unused or vacant refrigerators, ice boxes or any like devices used for storage and preservation of food stuff.

Sec. 3-14. Junk yards prohibited; defined.

- (a) No person shall establish, operate or maintain or permit to be established, operated or maintained a junk yard within Town limits.
- (b) Any person violating this Section shall be guilty of a misdemeanor.
- (c) For the purpose of this Section, Junk yard, shall mean a place or establishment where articles that have outlived their usefulness in their original form are stored or bought and sold to be used either in their original form or to be converted into a product of a different kind by some manufacturing process.

Sec. 3-15. Bathing suits required.

No person shall appear on the shores of the Broad Creek River or other body of water within the Town limits at any time without a proper bathing suit.

Sec. 3-16. Disorderly houses; prohibition.

- (a) For the purposes of this Section, a disorderly house shall mean a house that is kept in such a way as to disturb, annoy, and scandalize public generally, or the neighborhood, or the passersby on a highway, or in such way as to encourage or promote breaches of the peace, or to corrupt the morals of the community.
- (b) No person shall establish, keep, maintain, or operate or permit to be established, kept, maintained or operated a disorderly house on any premises owned or leased by such person within the Town limits.
- (c) Any person who violates this Section shall be deemed guilty of a misdemeanor.

CHAPTER 4

MOTOR VEHICLES

Sec. 4-1. Traffic Violations

All driving and vehicular traffic and coaches, as well as pedestrians on the public streets within the limits and territory of the Town shall be governed by the provisions of Section 4111 and 4181, inclusive, Title 21, Del. C. of 1953, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions have been altered or supplemented by ordinance duly passed by the Council.

CHAPTER 5

NUISANCES

Sec. 5-1. Nuisances; notices; removal.

- (a) It shall be the duty of the Council upon complaint made, or information given, or upon their own view, to determine the existence of any nuisance under this Code.
- (b) If it is deemed that a nuisance exists, the Council shall give notice in writing, signed by the President, to the person responsible for and the existence of the nuisance, requiring the person to remove or abate the same.
- (c) If such person refuses or neglects for the space of two (2) days after such notice to remove abate such nuisance, the Council shall cause the nuisance to be removed or abated. The Council shall issue a warrant in the name of the Town under the hand of the President and the seal of the Town, directed to any constable of the Town, commanding him to remove or abate such nuisance.

Sec. 5-2. Nuisance damages.

The Council shall determine and adjudge with respect to the cost and damages, and shall render the person responsible for the existence of such nuisance a bill stating the amount of such cost and damages.

CHAPTER 6

SOLICITATIONS

Sec. 6-1. Definition.

(a) As used in the this Article:

- (1) Solicitor means a person commonly referred to as either a solicitor or canvasser, who goes from house to house or place, selling goods by sample, or giving a way samples, or soliciting any business transaction, or for services to be performed in the future or taking orders for future deliveries, with or without accepting an advance payment for goods or services.

Sec. 6-2. Permit required; bond.

No person shall solicit for orders, sales, subscriptions or business of any kind, for the delivery or supply of articles or services at a later time or to canvass for information from any resident of the Town without first having obtained a permit from the Town and posted a bond.

Sec. 6-3. Permit; application; contents.

- (a) Any person who desires a solicitor's permit shall make a verified application in writing to the Town setting forth the following information:
 - (1) The name and address of the person for whom orders or subscriptions are to be solicited, sales are to be made or information sought;
 - (2) The nature of the products or services for which orders or subscriptions are to be solicited, or sales to be made;
 - (3) The terms on which orders or subscriptions are to be solicited or sales are to be made;
 - (4) The names and addresses of all solicitors or canvassers to be employed;
 - (5) The dates and times of the soliciting and canvassing
 - (6) The proposed method of operation to be employed in the Town; and
 - (7) If information is to be sought, the nature of such information and the purpose for which it is to be used.

Sec. 6-4. Permit fees.

- (a) Each applicant on whose behalf orders are to be solicited or information canvassed who maintains his principal place of business within this State shall pay to the Town at the time that the application is submitted a permit fee of Twenty Five Dollars (\$25.00).
- (b) Each applicant on whose behalf orders are to be solicited or canvassed or information sought who does not maintain his principal place of business within this State shall pay to the Town at the time that the written application is submitted a permit fee of One Hundred Dollars (\$100.00).

Sec. 6-5. Bond required; conditions.

- (a) An applicant for a solicitor's permit shall provide a bond for a period of one (1) year from the date thereof to the Town in the amount of Five Hundred Dollars (\$500.00) with a surety company authorized to do business in this State containing a warrant of attorney to confess judgment in the amount of the bond condition upon the prompt delivery of the goods or services of a quality represented to the purchaser at the time that the order or orders were given by the purchaser and at the time or times agreed upon.
- (b) Any bond required under this Article shall be for the use of all persons who suffer damage by reason of the failure of the goods or services to be of the quality represented at the time that the order or orders were taken or to be delivered at the time or times agreed upon.

Sec. 6-6. Issuance of permit; contents.

- (a) The Town, upon receipt of the verified application, the bond and the required fee, shall issue the permit.
- (b) Each solicitor's permit shall specify:
 - (1) The names and addresses of all solicitors or canvassers;
 - (2) The dates and times during which soliciting and canvassing is to be accomplished; and,
 - (3) The nature of the applicant's business.

Sec. 6-8. Exemption from Article.

The provisions of this Article shall not apply to any officer or employee of the United States or this State or any political subdivision thereof.

Sec. 6-9. Hours of business restricted.

No person shall solicit or canvas between the hours of 6:00 PM and 10:00 AM.

Sec. 6-10. Door to Door sales prohibited.

No solicitors, peddlers, hawkers, merchants, vendors or other persons, licensed or unlicensed, engaged in the selling of merchandise from door to door shall enter upon property located within the Town without first having been requested or invited to enter upon the property by the owner or occupant for the purpose of selling, peddling or otherwise disposing of the merchandise.

CHAPTER 7

TREES AND VEGETATION

Sec. 7-1. Supervision of trees.

All trees on the public streets, squares, lanes and alleys of the Town, shall be under the charge, supervision and control of the Council. The Council shall regulate such trees in all matters.

Sec. 7-2. Enforcement of Article.

The Police shall diligently inquire after and prosecute all who violate the provisions of this Article.

Sec. 7-3. Injury to trees or shrubs prohibited.

No person shall break, injure, destroy, overthrow, or carry away any fruit or ornamental tree, shrub, or plant, planted by authority or maintained with the consent of the Town in any of the streets, lanes, alleys, or private gardens and enclosure within the Town.

Sec. 7-4. Pruning and trimming of trees.

Nothing contained in the Article shall be construed to prohibit or prevent the authorized employees of the Council, from duly and properly trimming and pruning any trees, plant, or shrub, in the public streets, squares, lanes and alleys of the Town.

Sec. 7-5. Weeds and vegetation; nuisance.

The unregulated growth of weeds, grass or other vegetation maintained on any property within the Town limits shall be a common and public nuisance.

Sec. 7-6. Weeds on vacant lots; noise; nuisance.

- (a) No owner, tenant, of any vacant lot shall allow weeds to grow, or rubbish to collect on such lot.
- (b) No owner or tenant shall neglect or refuse to remove the weeds or rubbish, after five (5) days notice from the Council to remove such weeds or rubbish.

(c) Any person who violates this Section shall be guilty of a common nuisance.

Sec. 7-7. Investigate committee; appointment.

The President shall, upon complaint from two (2) or more residents of the Town or upon a resolution passed by the Council, appoint a committee to investigate and determine whether there is unregulated growth of weeds, grass or other vegetation on property located within the corporate limits of the Town.

Sec. 7-8. Weeds or vegetation; notice to remove or remedy.

It the Committee shall, following its investigation, determine and report to the Council that there is an unregulated growth of grass, weeds, or other vegetation on property located within the corporate limits of the Town, the Council shall notify the property owner or tenant at his last known address in writing by registered mail with return receipt requested to have the unregulated growth of weeds, grass or other vegetation cut or otherwise remedied within five (5) days from the date of delivery of the written notice.

Sec. 7-9. Failure to remove or remedy; bill for Town costs.

Upon failure of the property owner or tenant to have the unregulated growth of grass, weeds or other vegetation cut or otherwise remedied within the time specified, the Council may proceed to cause the unregulated growth of grass, weeds or other vegetation to be cut or otherwise remedied. When completed, a bill for the costs incurred in the name of the Town shall, as soon as conveniently after such work be presented by registered mail with return receipt requested to the owner or tenant of the property.

Sec. 7-10. Recovery of costs; procedure.

If the bill so presented by the Council is not paid within (30) days following the delivery thereof by registered mail, the Council may institute an action in the corporate name in any court of competent jurisdiction in the State for the collection of the debt and to collect the same in the manner provided for the collection of judgments in the State.

CHAPTER 8

SATELLITE ANTENNAS

A) No satellite antenna shall be installed, constructed or erected upon any property within the Town of Bethel except in conformity with the provisions of this Ordinance. A satellite antenna shall be defined as a parabolic disk antenna, including its structural supports used by consumers for home television reception of various satellite television programming signals.

B.1) A satellite antenna shall be permitted only as an accessory use on a lot that contains a principal structure and for which a building permit has been issued by the Building Inspector.

B.2) A satellite antenna shall be permitted only in the rear yard, and no lot shall contain more than one (1) satellite antenna.

B.3) A satellite antenna shall be permitted only as a free standing structure.

B.4) A satellite antenna shall be reasonably screened to minimize the view of the antenna from public thoroughfare and the ground level of adjacent properties. All screening shall be maintained as originally approved by the Building Inspector. If the screening is not so maintained, any permit granted in connection with the satellite antenna is subject to revocation by the Building Inspector.

B.5) No satellite antenna shall be located closer to the rear property line than the height of said antenna, nor closer to any side property line than the height of said antenna or the side or rear setback requirement for the principal structure on the lot, whichever results in the greatest setback, and shall not exceed the height of thirteen (13) feet.

B.6) Any permitted satellite antenna shall not have a surface receiving area of a diameter greater than twelve (12) feet.

B.7) Each satellite antenna shall be designed in compliance with the American National Standards Institute Standard A58.1, American National Standard Building Code Requirements for Minimum Design Loads in Buildings and Other Structures and the Electronics Industry Association Standard RS411, Electrical and Mechanical Characteristics of Antenna for Satellite Earth Stations, or any modification or successor to such standards, as well as any other construction or performance standards, rule or regulation of any governmental entity having jurisdiction over such antenna, including,

without limitation, the Federal Communications Commission. A certificate of conformance with the aforesaid standards by the manufacturer's professional personnel or such other professional as shall be deemed appropriate by the Building Inspector shall be submitted to the Building Inspector as a condition for the issuance of the building permit required by this subsection.

Adopted March 1, 1988

Barry B. Brumbley, President