

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE TOWN CODE RELATING TO PENALTIES FOR  
A VIOLATION OF TOWN ORDINANCES REQUIRING A BUSINESS LICENSE.**

**WHEREAS**, Section 29(a)(1) of the Town Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

**WHEREAS**, Section 29(a)(23) of the Town Charter of the Town of Milton vests power in the Town Council to provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both, not exceeding One Thousand Dollars (\$1,000.00) or sixty (60) days, or both; and

**WHEREAS**, the Town Code currently contains various provisions regarding such punishments, including but not limited to Chapter 93 of the Town Code specifically governing the requirement to obtain a business license from the Town;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring therein, that the following revisions hereby by incorporated into the Town Code at the referenced Code Section, with additions shown by underlining and deletions shown by strike-through as follows:

**§ 93-12. Violations and penalties.**

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ~~\$50~~\$100 nor more than ~~\$99~~\$300, plus costs, including Town Attorney's fees and Victim's Compensation Fund assessment for each offense, and for the purposes of this chapter, a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

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**SYNOPSIS**

This Ordinance amends the Town Code as it relates to the level of fine for violate the Town Code related to obtaining a business license. Currently, 11 *Del. C.* § 5303 would allow the violator to transfer the matter from the Justice of the Peace Court to the Court of Common Pleas, since there may be a fine of \$100 of more. Such a transfer likely would increase the costs of prosecution to the Town.

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**I, MARION JONES**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, **2013**, following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.

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**MAYOR**