

DRAFT
ORDINANCE NO. 2013 - _____

AN ORDINANCE TO AMEND THE TOWN CODE IN MULTIPLE SECTIONS RELATING TO FEES AND INCORPORATING ALL FEES CHARGED BY THE TOWN OF MILTON INTO A SINGLE DOCUMENT TO BE KNOWN AS THE TOWN OF MILTON FEE SCHEDULE

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, various Sections of the Town Code of the Town of Milton further authorize the Town Council to license, tax and collect fees for various undertakings, including the Sections outlined below, and

WHEREAS, the Town Council of the Town of Milton has determined that it is desirable for the Town to consolidate the fees that the Town charges at any given time pursuant to such Sections of the Town Code into a single document;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that following amendments to the Town Code be made:

Chapter 67, Section 67-4. Agreement Considerations

After the last sentence in Chapter 67, Section 67-4 of the Town of Milton Town Code, add the following sentence: "For applicable Annexation Fees, please consult the currently effective Town of Milton Fee Schedule."

Chapter 85, Section 7. Fees

Revise paragraph A to read as follows: "Fees for all permits issued pursuant to Section 85-4 shall be established from time to time by Resolution of the Mayor and Town Council of the Town of Milton and published in the currently effective Town of Milton Fee Schedule. In all cases, regardless of whether a building permit fee is imposed or not, a permit is still required."

Chapter 85, Section 23. Procedure

Revise the last 2 sentences of this Section to read as follows. "An application fee as specified in the currently effective Town of Milton Fee Schedule shall be paid to the Town Clerk at the time of filing the notice of appeal. The Board shall consider no appeal until the required fee is paid."

Chapter 93, Section 4. License Fees

Revise this Section to read as follows. "License fees to be paid to the Town of Milton for conducting business and engaging in occupations and activities shall be established from time to time by resolution of the Mayor and Town Council of the Town of Milton and published in the currently effective Town of Milton Fee Schedule."

Chapter 93, Section 8. Appeals

Revise the first sentence of this Section to read as follows. "Any person aggrieved by a decision of the Code Enforcement Officer may, within 15 days, take an appeal to the Town Council by giving written notice of his election so to do to the Town Hall and, upon payment of a fee, if any, as established in the currently effective Town of Milton Fee Schedule."

Chapter 95, Section 3. Denial of Town Approvals, Permits, and Licenses

Add a new sentence at the end of this Section as follows. "For applicable fees, please consult the currently effective Town of Milton Fee Schedule."

Chapter 125, Section 22. Fees

Revise this Section to read as follows. "For applicable fees, please consult the currently effective Town of Milton Fee Schedule."

Chapter 125, Section 24. Appeal Review Criteria

Revise the first sentence of this Section to read as follows. "All appeals contesting only the permit fee established by the Town of Milton Fee Schedule may be handled at the discretion of the Appeals Authority."

Chapter 132, Section 2. Format and Cost of Copies

Revise paragraph 132 - 2.A to read as follows. "For standard sized black and white copies, standard sized color copies, or non-standard sized copies, the cost for duplication/copying, including labor for copying, shall be as established in the currently effective Town of Milton Fee Schedule."

Chapter 148, Section 16. Permit required for sound trucks; fee

Revise the second sentence in this Section to read as follows. "All persons using the streets of Milton for sound trucks shall obtain a permit from the Code Enforcement Officer, and pay the relevant fee as established in the currently effective Town of Milton Fee Schedule."

Chapter 158, Section 5. Cost of removal by Town; payment by owner.

Revise the first sentence of this Section to read as follows. “Whenever the Town Manager or designee has effected the removal of any unregulated growth by Town employees, the owner or occupier shall be charged a fee at the relevant rate as established in the currently effective Town of Milton Fee Schedule.”

Chapter 164, Section 3. License fees

Revise this Section to read as follows. “License fees to be paid to the Town of Milton for rental licenses shall at the relevant rate as established in the currently effective Town of Milton Fee Schedule.”

Chapter 164, Section 7. Appeals

Revise the first sentence in this Section to read as follows. “Any person aggrieved by a decision of the Code Enforcement Officer may, within 15 days, take an appeal to the Town Council by giving written notice of his election so to do to the Town Hall and, upon payment of a fee if any, as may be established in the currently effective Town of Milton Fee Schedule, the Town Clerk shall notify the Secretary of the Town Council, and shall transmit to the Secretary of the Town Council all the papers constituting the record upon which the decision appealed from was taken.”

Chapter 164, Section 9. Transferability

Revise the second sentence of paragraph B of this Section to read as follows. “Upon sale of the rental property, the new owner shall file an application for a new rental license accompanied by the appropriate fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 170, Section 22. Permit required to uncover or connect; fee

Revise the second sentence of this Section to read as follows. “Upon application, the applicant may be required to pay the relevant fee as established in the currently effective Town of Milton Fee Schedule for a street breaking permit to be refunded when the street is returned to its original or otherwise satisfactory condition.”

Chapter 170, Section 23. Classes of permits; fees

Revise the third sentence of paragraph B to read as follows. “A permit inspection fee as established in the currently effective Town of Milton Fee Schedule shall be paid to the Town of Milton at the time the application is filed.”

Chapter 170, Section 36. Permit conditions

Revise the first sentence in this Section to read as follows. “Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all

other regulations, user charges, and fees as established in the currently effective Town of Milton Fee Schedule.”

Drafter’s notes on Chapter 170: Article VI is lengthy and does not lend itself to conveniently include reference to the Fee Schedule. Furthermore, I’m not sure how much of this article is actually effective since the sewer treatment facility has been sold.

Chapter 179, Section 2. Rate Schedule

Revise the second sentence in paragraph A to read as follows. “A single dwelling unit, whether detached or multiunit, whose solid waste is collected on an individual basis: as established is the currently effective Town of Milton Fee Schedule.”

Revise the second sentence in paragraph B to read as follows. “A central approved depository for the collection of solid waste by more than one unit: as established is the currently effective Town of Milton Fee Schedule.”

Chapter 179, Section 3. Rules and regulations

Revise the last sentence paragraph A.(3) to read as follows. “The Town, on request, will issue a duplicate bill at a cost to the customer as established in the currently effective Town of Milton Fee Schedule, and no claim for exemption from assessment of any penalty charge for delayed payment will be allowed.”

Chapter 183, Section 41. Permit fee; refunds

Revise paragraph A to read as follows. “A. The applicant for permit shall pay a fee as established in the currently effective Town of Milton Fee Schedule to cover the cost of repairs to openings in the paved surface of the streets of the Town, when repairs to street openings require resurfacing of paved areas. Should the street not be in need of paving, a refund of one-half of the relevant fee paid would be given to the applicant upon completion of said work.”

Chapter 183, Section 42. Fee Payable in Advance; additional charges to be billed

Revise the first sentence in this Section to read as follows. “The Town Clerk shall receive a fee as established in the currently effective Town of Milton Fee Schedule in advance of issuing permits for street openings.”

Chapter 183, Section 45. Permit fee

Revise this Section to read as follows. “Application for a permit to erect utility poles or run cables shall be made at the office of the Town Clerk at the Town Hall upon written application and payment of a fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 183, Section 46. Appeals

Revise this Section to read as follows. “Any person aggrieved by a decision of the Town Clerk shall have right to appeal to the Town Council upon giving written notice and payment of a fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 188, Section 8. Fees

Revise paragraph A of this Section to read as follows. “The fees for partitioning, minor subdivisions and major subdivisions shall be the fees established in the currently effective Town of Milton Fee Schedule.”

Chapter 188, Section 28. Partitioning

Revise the third sentence of Paragraph A in this Section to read as follows. “The required fees shall be the fees established in the currently effective Town of Milton Fee Schedule.”

Chapter 188, Section 30. Procedure for approval of Minor Subdivision

Add a new sentence at the end of paragraph A as follows. “For subdivision fees, please consult the currently effective Town of Milton Fee Schedule.”

Chapter 188, Section 31. Procedure for preliminary approval of Major Subdivision

Add a new sentence at the end of paragraph A as follows. “For subdivision fees, please consult the currently effective Town of Milton Fee Schedule.”

Chapter 194, Section 1. Determination of Tax Rates

Revise this Section to read as follows. “Pursuant to Section 26 of the Town Charter, at the last regular meeting in the fiscal year immediately preceding the fiscal year in which this article was first enacted, the Town Council duly determined, assessed, fixed and/or levied taxes as per Exhibit A hereto. In a subsequent year, the rates were duly modified by the Town Council, in compliance with aforesaid Section of the Town Charter. For applicable tax rates, please consult the currently effective Town of Milton Fee Schedule.”

Drafter's notes on Chapter 194: 1. The on-line version of the Town Code does not have Exhibit A to Section 194, so it is not possible to determine if any additional changes in Chapter 194 are necessary. 2. Do we want to refer to the fee Schedule for the amount of the realty transfer tax rate referred to in Section 194-9? (I recommend “No”.)

Chapter 202, Section 10. Special permission for parking stand; fees

Revise the first sentence of paragraph B to read as follows. “If permission contemplated by Subsection A is granted, it shall not become effective until the applicant shall have paid to the Town Clerk for the use of the Town the relevant fee as established in the currently effective Town of Milton Fee Schedule.”

Revise paragraph C to read as follows. “Any permission to park taxicabs on Federal Street and Union Street shall remain in effect until December 31 of the calendar year during which it was first granted and, unless sooner revoked, may be renewed from year to year by the holder thereof by paying to the Town Clerk for the use of the Town the relevant fee as established in the currently effective Town of Milton Fee Schedule at any time prior to January 5 of each calendar year thereafter.”

Chapter 209, Section 19. Right to Reserve Taxi and Bus Space

Revise this Section to read as follows. “The Council reserves the right to designate such space as they deem necessary for the use of taxicabs, loading and unloading space, or bus stops, for such fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 209, Section 42. Parking permits

Revise the third sentence to read as follows. “It shall be accompanied by a parking fee for each bus, for each day which the parking reservation is required. For applicable fees, please consult the currently effective Town of Milton Fee Schedule.”

Drafter’s notes on Chapter 209. There are many dollar values given in Article VI, PARKING and in Article XII, SPEED RESTRICTIONS I did not include them in this draft as they are specifically referred to as “fines”, not fees.

Chapter 215, Section 6. Fee for discontinuing and reestablishing water service

Revise the second sentence to read as follows. “The discontinuation/termination and reconnection charges shall be in the amount established in the currently effective Town of Milton Fee Schedule.”

Chapter 215, Section 10. Water Meters Required

Revise the second sentence of paragraph G to read as follows. “A fee for the inspection, in the amount established in the currently effective Town of Milton Fee Schedule shall be charged to the property owner at the time of inspection.”

Revise the second sentence of paragraph H to read as follows. “A fee, as established in the currently effective Town of Milton Fee Schedule, will be charged per meter.”

Chapter 215, Section 11. Water Meter Testing

Revise paragraph of this Section to read as follows. “A meter testing fee shall be assessed in an amount as established in the currently effective Town of Milton Fee Schedule.”

Chapter 215, Section 12. Metered water rates

Revise this Section to read as follows. “Refer to the currently effective Town of Milton Fee Schedule for the current rates established for water service provided by the Town of Milton within the Town and out of the Town.”

Chapter 215, Section 19. Consuming Unit Service Lateral

Revise the last sentence of paragraph B to read as follows. “The water tap shall be performed by the Town Maintenance Department for the fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 215, Section 26. Swimming Pools

Revise this Section to read as follows. “Refer to the currently effective Town of Milton Fee Schedule for the rates established for all pools which do not have separate water meters measuring the number of gallons used by such pools.”

Chapter 215, Section 27. Water connection charges

Revise the first sentence in paragraph A to read as follows. “Water connection charges to tap into the Town’s water supply shall be charged to the property owner according to the currently effective Town of Milton Fee Schedule.”

Revise the first sentence in paragraph B to read as follows. “Additionally, each property owner must pay to the Town a water impact fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 34. Special Uses

After the last sentence of paragraph C (1), add the following sentence. “For applicable Special Use filing fees, please consult the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 37. Fees for Required Special Use Permits, Site Plan Review, or Administrative Review

Revise the second sentence in this Section to read as follows. “Fees for special permits, site plan review, or administrative review in accordance with this article shall be established by Resolution of the Mayor and Town Council and published in the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 45 Driveway Standards

Revise paragraph C (1) in this Section to read as follows. “Any curb cuts will require approval by the Town accompanied by a fee as established in the currently effective Town of Milton Fee Schedule, as well as any state permits required.”

Chapter 220, Section 63. General Regulations

In Paragraph E (3), after the sentence ending in “from time to time.”, add a new sentence: “For signage fees, please consult the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 84. Procedure

Revise the first sentence of paragraph B to read as follows. “All appeals and applications made to the Board of Adjustment shall be in writing, on forms prescribed by said Board and accompanied by the fee established in the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 89. Procedures for Conditional Uses

After the last sentence in paragraph A of this Section, add the following sentence: “For applicable conditional use filing fees, please consult the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 92. Building permits

Revise paragraph C to read as follows. “One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer, together with such permit to the applicant, upon payment of the applicable fee as established in the currently effective Town of Milton Fee Schedule.”

Chapter 220, Section 98. Procedure

After the last sentence of this Section, add the following sentence. “A fee may be required from the Applicant for a Zoning Change as established in the currently applicable Town of Milton Fee Schedule.”

Chapter 220, Section 105. Fee Schedule

Revise this Section to read as follows. “A schedule of fees for all permits and applications required by this Chapter shall be established by Resolution of the Mayor and Town Council of the Town of Milton and published in the currently effective Town of Milton Fee Schedule.”

SYNOPSIS

This Ordinance codifies the Town of Milton Fee Schedule for the purpose of establishing fees as permitted in the Town Code of the Town of Milton. This removes a potential source of confusion by removing specific sums from the body of the Town Code and includes the appropriate information in a single document called the Town of Milton Fee Schedule. This will also make it simpler and more efficient when making

changes to the fees the Town of Milton is authorized to charge by eliminating the need to conform language within the body of the Town Code, while simply changing the Fee Schedule.