

Town of Milton

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Milton, DE 19968



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**ORDINANCE NO. 2013- 02**

**AN ORDINANCE TO AMEND CHAPTER 158 OF THE TOWN CODE REGARDING WEEDS AND VEGETATION AND REMOVAL BY THE TOWN.**

**WHEREAS**, the 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**, the Town Council of the Town of Milton has previously found it necessary for the aforementioned purposes to enact an ordinance as Chapter 158 of the Town Code, entitled "Property Maintenance"; and

**WHEREAS**, the Town Council of the Town of Milton has previously found it beneficial to adopt a Fee Schedule, also referred to as the Fee Chart, often in conjunction with the budget for each fiscal year, so that the amounts of fees owed to the Town are more readily identifiable and convenience; and

**WHEREAS**, the Town Council finds it necessary to amend the Town Code to refer to the Fee Schedule and remove the reference to a codified amount of fee, so as to avoid any conflict between the Town Code and the Fee Schedule, and to allow for more flexibility in setting the fee.

**NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring in Council duly met, that Chapter 158, Article I, of the Milton Town Code be and hereby is amended with additions shown by underlining and deletions shown by strikethrough as follows:

**§ 158-2. Notification to cut weeds.**

The Town Manager or designee~~Clerk~~ is authorized and directed to notify, in writing by certified or registered mail with return receipt requested, by postage prepaid, the owner or occupier of any lot, place or area within the corporate limits of the Town or the agent of the owner or occupier to cut, destroy and remove any unregulated growth found growing, lying or located on such owner's or occupier's property or upon the sidewalk abutting the same.

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**§ 158-5. Cost of removal by Town; payment by owner.**

Whenever the Town Manager or designee Clerk has effected the removal of any unregulated growth by Town employees or contracted service, the owner or occupier shall be charged at the rate set on the Fee Schedule in effect at the time of removal of \$50 per hour. That rate may be based upon both actual and administrative costs. The Fee Schedule shall also set out an interest rate, with interest accruing from the date of removal. Such charge shall be due and payable by the owner or occupier within thirty days of the date of removal. The Town shall send notice and any invoices via regular mail to the owner or occupier. ~~Whenever the Town Clerk has had to pay for its removal pursuant to the provisions of this article, the actual cost thereof, together with additional charge of 20% of the actual charge to defray administrative expenses, plus accrued interest at the rate of 6% per annum from the date of completion of the work, if not paid by the owner or occupier prior thereto, these amounts shall be charged to the owner or occupier of such property on the next water bill by the Town. Such charge shall be due and payable by the owner at the time of payment of such water bill.~~

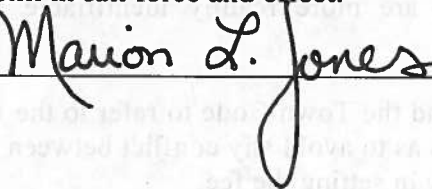
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**SYNOPSIS**

This Ordinance amends the Milton Town Code to remove the codified rate of \$50 per hour for removal of unregulated growth by Town employees and to substitute a reference to the Town's Fee Schedule for the rate. The Ordinance also corrects a typographical error and updates the references to reflect the Town Manager as the proper employee for administrating this section.

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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 13th day of May, 2013, at which a quorum was present and voting throughout and that the same is still in full force and effect.



**MAYOR MARION JONES**