

**Town of Milton**  
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Milton, DE 19968



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**ORDINANCE NO. 2015-010**

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 136 "HOUSING STANDARDS"  
RELATING TO CARBON MONOXIDE DETECTORS**

**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)(29) of the Town Charter of the Town of Milton vests power in the Town Council "to license, tax and collect fees annually for any and all municipal purposes (including the cost and expenses of advertising to the Town) of such various amounts as the Town Council from time to time shall fix from any individual, firm, association, or corporation carrying on or practicing any business, profession, or occupation within the limits of the Town..."; and

**WHEREAS**, the Town of Milton currently has its Ordinances providing for minimum housing standards which apply to all buildings or portions thereof used or designed or intended to be used for human habitation.

**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 incorporated into Chapter 136, with additions shown by underline and deletions shown by strikethrough as follows:

Section 1:

**Chapter 136. Housing Standards**

**GENERAL REFERENCES**

Building construction — See Ch. 85.

Abandoned excavations — See Ch. 116.

Fire prevention — See Ch. 121.

Nuisances — See Ch. 152.

Property maintenance — See Ch. 158.

Rental Properties – See Ch. 164

Sewers — See Ch. 170.

Water — See Ch. 215.

Zoning — See Ch. 220.

Section 2:

§ 136-4. Definitions; word usage.

NFPA National Fire Protection Association

Residential Rental Unit Any building, structure, or room which is rented or offered for rent as living quarters. Residential rental units do not include Bed and Breakfast, Hotels, Inns, or Motels

Substantial Renovation Renovation costs exceeding twenty-five percent (25%) of the current assessed value of the property

UL Underwriters Laboratories

Section 3:

§136-12. Exterior of structures.

F. Roofs. The roof shall be ~~structurally sound and tight~~ maintained and in good repair ~~not have without obvious defects, which might admit rain, and roof drainage or vermin~~ and shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

J. Railings, Stairs and Pporches. Every stair, porch, balcony and all appurtenances attached thereto shall be so maintained as to be safe to use and capable of supporting the loads to which it may be subjected and shall be maintained in sound condition and repair.

L. Windows and doors to be ~~weathertight~~ weather tight. Every window and exterior door shall be fitted reasonably in its frame and be ~~weathertight~~ weather tight. Weather stripping shall be used as necessary to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

P. Basement and window hatchways. Every basement or cellar hatchway or window shall be so maintained as to prevent the entrance of ~~rats~~ vermin, rain and surface drainage into the structure.

Section 4:

§136-13. Interior of structures.

E. Free from dampness. Cellars, basements and crawlspaces shall be maintained free from standing water ~~so as to prevent conditions conducive to decay or deterioration of the structure.~~

Section 5:

§136-14. Light, ventilation and space.

C. Common halls and stairways. Every common hall and stairway in every building, other than single-family dwellings, shall be adequately lighted at all times with an illumination of at least a sixty-watt light bulb or its equivalent. Such illumination shall be provided throughout the normally traveled stairs and passageways.

Section 6:

§136-18. Fire Ssafety.

M. Carbon Monoxide Detectors. All new single family or multi-family dwellings constructed after July 1, 2015 which use a fossil fuel burning heater or appliance, fireplace, or have an attached garage shall have a UL 2034 or UL 2075 Standard for Single and Multiple Station Carbon Monoxide Alarm system installed in accordance with the current NFPA 720 Chapter 9 on every habitable level as required by the 2012 International Residential Code Section R315. All single family or multi-family dwellings including residential rental units substantially renovated after January 1, 2016 which use a fossil fuel burning heater or appliance, fireplace, or have an attached garage shall have a UL 2034 or UL 2075 Standard for Single and Multiple Station Carbon Monoxide Alarm system installed in accordance with the current NFPA 720 Chapter 9 on every habitable level. All existing single family or multi-family dwellings including residential rental units which use a fossil fuel burning heater or appliance, fireplace, or have an attached garage shall have a UL 2075 Standard for Single and Multiple Station Carbon Monoxide Alarm system installed in accordance with the current NFPA 720 Chapter 9 on every habitable level by January 1, 2017.

Section 7:

§136-36. Heating, cooking and refrigeration.

If the property owner feels, in their opinion, that the Town's Code Enforcement Officer has made an error or when the true intent and meaning of this chapter has been misconstrued or wrongly interpreted, they may appeal the decision to the Mayor and Council. Notice of appeal shall be in writing and filed within 30 days after the Town Code Enforcement Officer renders the decision.

~~A. Board of Adjustment and Appeals; composition. There shall be created a Board of Adjustment and Appeals, which shall consist of five members appointed by the Mayor. The terms of the members shall be staggered. The first and second appointees shall serve for terms of two years; the third and fourth appointees shall serve for terms of three years; and the fifth appointee, who shall serve as Chairperson, shall serve for a term of four years. Any appointment, pursuant to the provisions hereof, to replace a member whose position becomes vacant prior to the expiration of that person's term shall be filled only for the remainder of that term.~~

~~B. Rules and regulations. The Board of Adjustment and Appeals shall establish its own rules of procedure for accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of this chapter or the laws of the State of Delaware.~~

~~C. Procedure for appeals. Any person aggrieved by an action taken by the Code Enforcement Officer may appeal from such action by filing written notice of appeal with the Board of Adjustment and Appeals within 10 days after the giving or posting of notice of such action. An appeal under this subsection shall stay the effect of the notice of violation or condemnation and shall prevent the Code Enforcement Officer from proceeding with the remedies provided under this chapter pending decision by the Board of Adjustment and Appeals. An appeal to the Superior Court by an aggrieved person from a decision of such Board of Adjustment and Appeals shall be made in the manner provided for appeals from administrative decisions.~~

~~D. Vote. The Board of Adjustment and Appeals shall hear all appeals relative to the enforcement of this chapter within a reasonable period of time after the filing of an appeal and, by a concurring vote of the majority of its members, may reverse or affirm wholly or partly or may modify the action appealed from and shall make such other order or determination as it deems just. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Enforcement Officer.~~

~~E. Financial interest. A member of the Board of Adjustment and Appeals shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest.~~

~~F. Records. The Board of Adjustment and Appeals shall keep a written or recorded record of each meeting showing clearly the basis for each decision made by the Board.~~

Section 8:

§ 136-37. Establishment of Board of Appeals.

There is established in the Town, a Board of Appeals which shall consist of three members, the Mayor of the Town and two elected members of the Town Council. The Town Solicitor is not a member and does not vote, but advises the Board.

§ 136-38. Quorum.

Any two members of the Board shall constitute a quorum. In reversing or modifying the action of the Code Enforcement Officer or the application of the housing standards, an affirmative vote of a majority of all the members of the Board shall be required. No member of the Board of Appeals shall act in a case in which he has a personal interest.

§ 136-39. Procedure.

Within five days following receipt of the notice of appeal, the Code Enforcement Officer shall transmit to the Town Manager and/or his/her designee all the papers constituting the record upon which the decision was taken. No later than 30 days following receipt of the notice of appeal by the Town Manager and/or his/her designee, the Mayor of the Town shall set a time, date and place for the hearing of the appeal by the Board of Appeals. All meetings of the Board shall be open to the members of the general public. The Board shall keep minutes and records of its proceedings, showing the evidence received at the hearing, the vote of each member upon each question considered, and indicating the absence of a member or failure of a member to vote if such was the fact. An application fee as specified in the currently effective Town of Milton Fee Schedule shall be paid to the Town Manager and/or his/her designee at the time of filing the notice of appeal. The Board shall consider no appeal until the required fee is paid.

§ 136-40. Rules; administration of oaths; meetings.

The Board shall adopt rules of procedure in order to carry out the intent of this chapter. The Mayor shall serve as Chairman of the Board of Appeals and shall appoint a Vice Chairman. The Chairman or, in his absence or disqualification, the Vice Chairman shall administer the oaths and may compel the attendance of witnesses. Meetings of the Board shall be at the call of the Chairman or, in his absence or disqualification, by the Vice Chairman

§ 136-41. Decisions.

Every decision of the Board of Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Town Hall office and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in Town Hall for a period of two weeks after filing.

Section 9:

§ 136-3742. Creation of tax liens.

There is hereby created a tax lien on real property for moneys expended by the county or a community for razing, demolition, removal or repairs of buildings or abatement of other unsafe conditions constituting a threat to the public health and safety where the responsible party refuses or fails to comply with the lawful order of the Code Official after due notice thereof, either actual or constructive. Upon certification of a tax lien to the appropriate county or community official by the Code Official, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes and paid to the county or community, when collected, by the appropriate county government.

§ 136-3843. Transfer of responsibilities.

A contract effective as between owner and operator, operator and occupant, or owner and occupant, with regard to compliance hereunder, shall not relieve any party of his direct responsibility under this chapter.

§ 136-3944. Enforcement.

The Code Enforcement Officer shall enforce the provisions of this chapter as well as anyone who is appointed by the Town Council to enforce the provisions thereof.

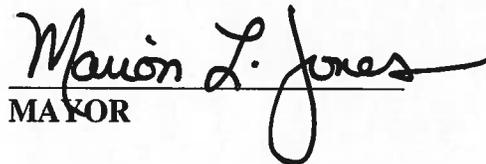
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**SYNOPSIS**

This Ordinance amends Chapter 136 of the Town Code relating to housing standards. That Chapter already identifies the minimum housing standards; the amendment merely includes a requirement for carbon monoxide detectors and its applicability to rental properties.

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I, **MARION L. JONES**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 3rd day of August, 2015, at which a quorum was present and voting throughout and that the same is still in full force and effect.

  
MAYOR