

Town of Milton

*115 Federal Street
Milton, DE 19968*



www.ci.milton.de.us

Phone: 302-684-4110

Fax: 302-684-8999

ORDINANCE 2008- 0003

**AN ORDINANCE TO ENACT A SIX-MONTH MORATORIUM ON DEMOLITIONS
WITHIN THE TOWN OF MILTON**

WHEREAS, it is desirable for the town to review all ordinances referring to demolitions within the town, especially demolitions in the historic preservation district and town center; and

WHEREAS, it is expected for a proper review to take six (6) months from start to finish; and

WHEREAS, it is desirable that said review is done and no structures demolished unless there exists an application on file with the Town of Milton; and

WHEREAS, a temporary moratorium on demolitions within the Town of Milton is deemed to be within the Town's public policy.

NOW THEREFORE: The Mayor and Town Council of the Town of Milton hereby enact the following:

A moratorium on any demolitions of structures within Town of Milton limits is hereby imposed from April 17, 2008, until October 16, 2008.

A. Purpose:

A moratorium is hereby enacted upon the demolitions to be performed in the Town of Milton for the purpose of permitting a review of all ordinances referring to demolitions within the town.

B. Duration:

The moratorium shall be imposed to and including October 16, 2008. During this time period, no application except for those permitted in (c) below shall be accepted.

C. Exemptions:

The following items shall be exempted from the effects of this moratorium ordinance: Any applications for demolition of structures within the Town of Milton received by the Town of Milton before April 8, 2008.

D. Effective Date:

This ordinance shall be effective upon enactment.

E. Appeal to Council

Any person who is aggrieved by this ordinance may file an appeal to the Council to permit the filing of a demolition permit application. The criteria of review by council shall be by a preponderance of the evidence that an exception to the ordinance is warranted by the specific criteria which forms the basis for the application. A majority vote of council shall be required to exempt an application from this ordinance. For purposes of this ordinance, specific criteria shall include those reasons why a demolition shall proceed while the moratorium is in place, and why a delay will be an economic hardship, a safety hazard or other articulable showing factors that compliance with the ordinance is not practicable.

F. Termination:

This ordinance shall terminate on October 16, 2008, unless extended or repealed prior to that date.

Section 2. Severability. The provisions of the ordinance are severable and if any of its provisions or any sentence, clause or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or in violation of the laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not invalidate or impair any of the remaining provisions which can be given effect without the invalid provision or application.

First Reading: March 3, 2008
Public Hearing: March 3, 2008
Enactment Date: April 17, 2008

Motion made by Council member, Prettyman and seconded by Council member, Brown.
Motion properly made and seconded.

4/17/2008
DATE

THE TOWN OF MILTON,
Donald Post, Mayor
DONALD POST, MAYOR

I, **THE UNDERSIGNED**, Secretary of the Town Council of the Town of Milton, do hereby certify that the above resolution was passed on the 17th day of April, 2008.

Ronda G. Abraham
RONDA ABRAHAM, SECRETARY