

**Town of Milton**  
115 Federal St  
Milton, DE 19968



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**ORDINANCE NO. 2012- 06**

**AN ORDINANCE TO AMEND THE TOWN CODE RELATING TO PENALTIES FOR VIOLATIONS OF CERTAIN TOWN ORDINANCES.**

**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;

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

**§ 1-16. General penalty; subsequent violations; suspension or revocation or license or permit.**

**A.** Whenever in this Code or in any ordinance of the Town any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punished by a fine not less than \$50 nor more than \$99, plus the costs of prosecution.

**§ 63-26. Violations and penalties.**

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**C.** Any person, firm or corporation which violates any provision of this chapter shall be assessed a civil fee of not less than \$50 and no more than \$99. The Town Clerk shall be authorized to pursue such assessment in Justice of the Peace Court consistent with Section 27 of the Town of Milton Charter.

**§ 183-48. Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$99 and shall pay the costs of prosecution. For the purposes of this article, each day that a violation continues or is committed shall be deemed to be a separate offense.

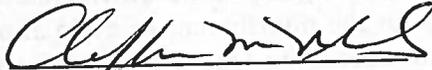
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**SYNOPSIS**

This Ordinance amends the Town Code as it relates to certain fines for violations of town ordinances without otherwise specified penalties, animal violations, and use of Town streets. Currently, 11 Del. C. section 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 or more. Such a transfer likely would increase the costs of prosecution to the Town.

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I, **CLIFFORD M. NEWLANDS**, 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 6th day of August, 2012, 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.

  
**MAYOR**



