

Town of Milton

115 Federal St
Milton, DE 19968



www.milton.delaware.gov

Phone: 302-684-4110

Fax: 302-684-8999

ORDINANCE NO. 2015-004

AN ORDINANCE TO AMEND TOWN CODE, CHAPTER 85, ENTITLED "BUILDING CONSTRUCTION" AT SECTIONS 85-5, 85-11, 85-19, AND 85-26

WHEREAS, Section 29(a)(1) of the Town Charter authorizes the Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants; and

WHEREAS, Section 29(a)(7) of the Town Charter authorizes the Town Council to define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health, welfare; and

WHEREAS, the Town of Milton currently has an Ordinance providing for proper building construction policies, codified in Town Code Chapter 85;

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 incorporated into Chapter 85, Sections 85-5, 85-11, 85-19, and 85-26 of the Town Code, with deletions shown by strike through and additions shown by underline as follows:

Section 85-5: Permit Limitations:

D. Applications for a demolition permit shall be accompanied by a pre-demolition inspection report performed by an entity licensed by the State of Delaware to perform such an inspection, as required by the State of Delaware.

E. Demolition permits shall be valid for a period of forty-five (45) days from the date of issuance.

F. A demolition permit may be extended one time for a period of forty-five (45) days, provided the property owner can show good cause for the extension.

G. All demolition authorized by a valid demolition permit shall comply with the Town of Milton ordinances, Sussex County ordinances (where applicable), and State of Delaware Code (where applicable).

Section 85-11: Enforcement:

The issuing of permits and the enforcement of all the requirements of this chapter, including the inspection and testing of all materials entering into any structure in the

Town of Milton, is hereby vested in the ~~Secretary of Town Council or their representative~~ Town Administrator or his or her designee.

Section 85-19: Building nuisances:

B. If such a nuisance is in existence, the ~~Secretary of Town Council or their representative~~ Town Administrator or his or her designee shall, by written notice addressed to the said owner at his or her, or its, or their last known post office address, call upon such owner thereof to abate said nuisance. If said owner shall fail within a period of 30 days after receipt of such notice to abate such nuisance, the owner shall be guilty of a misdemeanor.

C. If the court before which the case is tried shall determine that such building, shed, or structure, either because of faulty construction or because of deterioration, or for any other reason, is in such condition that it is a menace to the safety of persons or property, and that such menace has continued to exist for a period of 30 days after written notice by the ~~Secretary of Town Council or their representative~~ Town Administrator or his or her designee to abate the nuisance as above set forth, such owner shall be punished as set forth in § 85-14. Each day after the said period of 30 days following the above-described notice during which the nuisance is continued shall constitute a distinct and separate offense.

Section 85-26: Adoption of standards:

A. The Town of Milton hereby adopts by reference as the Town of Milton codes the ~~2006~~ 2012 edition of the International Residential Code; ~~2006~~ 2012 edition of the International Property Maintenance Code; 2012 edition of the International Building Code; ~~2006~~ 2012 edition of the International Existing Building Code as issued by the International Code Council and all future amendments, changes and modifications of said codes. These codes will remain in effect until the Town of Milton adopts new codes.

B. The following are exempt from Subsection A of this Section:

- (1) Automatic fire sprinkler systems, IRC § R313. Automatic fire sprinkler systems shall be exempted from one- and two-story single family detached and semi-detached dwellings, as defined in Section 220-6.

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 _____ day of _____, **2015**, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR