

Town of Milton

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Milton, DE 19968



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ORDINANCE NO. 2016-007

AN ORDINANCE TO AMEND CHAPTER 179, ENTITLED "SOLID WASTE", RELATING TO HAULING SOLID WASTE.

WHEREAS, Section 29(a)(1) of the Town Charter of the Town of Milton vests power in the Mayor and 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, pursuant to Section 29(a)(39) of the Charter, the Mayor and Town Council of the Town of Milton have the authority to make, adopt and establish all such Ordinances, Regulations Rules, and By Laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of the Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; and

WHEREAS, pursuant to Section 29(a)(23) of the Charter, the Mayor and Town Council of the Town of Milton have the authority to provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both, not exceeding \$1,000 Dollars (\$1000.00) or sixty (60) days, or both; and

WHEREAS, the Mayor and Town Council previously adopted an ordinance regulating solid waste, with that ordinance codified in the Town Code as Chapter 179; and

WHEREAS, the Mayor and Town Council now deem it proper and necessary to regulate the hours during which commercial hauling of solid waste from non-residences may occur within the Town;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Town of Milton, a majority thereof concurring, that § 179-4 of the Milton Town Code is hereby amended, with deletions shown by strike through and additions shown by underline as follows:

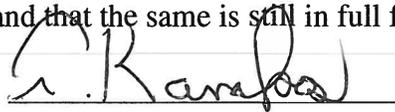
§ 179-4. Commercial hauling of solid waste.

A. All vehicles used in the collection of solid waste shall have enclosed bodies or shall have bodies covered with a tarpaulin or canvas cover. All vehicles used for the collection of solid waste containing garbage or other putrescent matter shall have watertight metal bodies or metal-lined bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding and shall be maintained in good repair. The name of the owner of the vehicle shall be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the Town of Milton.

B. Commercial hauling of solid waste from non-residential locations shall be permitted between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:00 p.m. on Saturdays, except on federal holidays. No such hauling shall occur at any other time.

EFFECTIVE DATE: This ordinance shall take effect 30 days after its enactment.

I, **THEODORE J. KANAKOS**, 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 12th day of September, **2016**, following a duly noticed meeting, at which a quorum was present and voting throughout and that the same is still in full force and effect.



MAYOR

SYNOPSIS

This ordinance sets the hours of operation for commercial haulers collecting solid waste from locations other than residences. The Town's current contract sets the hours of collection of solid waste from residences. The times in this ordinance mirror those of permissible building construction. A violation of this ordinance would be punishable under the provisions of § 179-6, which carries a fine of not less than \$50 nor more than \$500, together with costs of prosecution, or imprisonment for a period of not more than 30 days, or both.