

Town of Milton
115 Federal Street
Milton, DE 19968



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ORDINANCE NO. 2016-008

**AN ORDINANCE TO AMEND CHAPTER 85 OF THE TOWN CODE, ENTITLED
"BUILDING CONSTRUCTION," RELATED TO BUILDING CONSTRUCTION PERMITS.**

WHEREAS, the 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, the Mayor and Town Council of the Town of Milton have previously enacted an ordinance governing building construction, codified as Chapter 85 of the Town Code; and

WHEREAS, the Mayor and Town Council held an open meeting on the 12th day of September, 2016, to consider amendments to Chapter 85;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton:

Section 1. Amend § 85-4 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

§ 85-4. Permits.

Except for any of the following having a fair market value totaling less than \$300 for any work, cost, and materials for completion of the project as a whole, a A building permit shall be required within the Town of Milton under the following conditions:

- A. Construction of a new building or structure or portion thereof, including but not limited to foundations, driveway paving, sidewalks, fences, piers, docks, sheds, gazebos, decks, swimming pools, and permanent standby electrical generation systems.
- B. The alteration of an existing building or structure, excluding interior and exterior painting, laying of carpet and linoleum, and landscaping, softscapes and pergolas.
- C. When an existing building or structure or portion thereof is to be demolished or removed.
- D. When it is proposed to move a structure from one site to another site or when the streets of the Town of Milton are to be used.

Section 2. Amend § 85-5 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

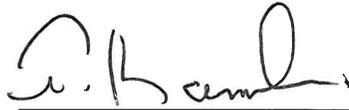
§ 85-5. Permit limitations.

- A. Building permits shall be valid for a period of one year from the date of issuance.
- B. A building permit may be extended for a period of one year, provided the property owner can show good cause for the extension.

- C. All construction, whether authorized by a ~~valid~~ building permit or exempt from a building permit, shall comply with the Town of Milton ordinances, Sussex County ordinances (where applicable), state fire codes (where applicable), building codes adopted by Sussex County and flood insurance codes.
- D. Applications for a demolition permit shall be accompanied by a predemolition 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 45 days from the date of issuance.
- F. A demolition permit may be extended one time for a period of 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 3. This Ordinance shall take effect immediately and prospectively. It shall have no effect on the need for compliance with any previously issued building permit.

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



MAYOR

SYNOPSIS

This Ordinance amends the Town Code's requirement for a building permit by creating an exemption for a construction project which, as a whole, has a fair market value of less than \$300 between time, materials, and any other cost.