

Town of Milton

115 Federal St
Milton, DE 19968



www.ci.milton.de.us

Phone: 302-684-4110

Fax: 302-684-8999

ORDINANCE NO. 2011-003

AN ORDINANCE TO AMEND THE TOWN OF MILTON CODE BY ENACTING A NEW CHAPTER, ENTITLED "CLEAN HANDS POLICY"

WHEREAS, the Town Charter of the Town of Milton authorizes the Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants and affairs; and

WHEREAS, the Town Charter of the Town of Milton further authorizes the Town Council to license, tax and collect fees annually for any and all municipal purposes, and to provide for the collection and disbursement of all monies to which the Town may be entitled by law, including licenses and fees, where no provision for the collection and disbursement thereof is otherwise provided in the Charter; and

WHEREAS, the Town Council has determined that it is desirable for the Town to require that applicants for Town approvals, permits, licenses and/or the use, receipt or provision of Town services be in good financial standing with the Town and in compliance with the ordinances of the Town;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring in Council duly met, that the following Chapter be incorporated into the Town Code between Chapters 93 and 98 as follows:

Chapter 95

CLEAN HANDS POLICY

§ 95-1. Determination of currentness required.

The Town staff having authority to accept applications and issue approvals, permits, licenses, and/or provide Town services shall first determine that the applicant is current on and not in default of certain obligations to the Town.

§ 95-2. Town obligations which must be current.

Applicants for Town approvals, permits, licenses and/or the use, receipt or provision of Town services shall be current on all of the following obligations to the Town, the request for payment of which has been sent via regular mail, email, facsimile or hand-delivery at least thirty (30) days prior, prior to receiving such approvals:

- A. Property taxes.
- B. Capitation taxes.
- C. Application fees and any applicable professional fees.
- D. Subdivision fees and any applicable professional fees.
- E. License fees.
- F. Permit fees, including building permits, building code and inspection fees.
- G. Administrative fees.
- H. Performance and Surety Bonds and any applicable professional fees.
- I. Site Plan Reviews and any applicable professional fees.
- J. Interest, penalties, court costs and/or attorney's fees if applicable to a default in any of the above listed obligations.
- K. Reimbursements for costs paid by the Town.

§ 95-3. Denial of Town approvals, permits and licenses.

The Town staff shall refuse to accept applications and grant permits and/or approvals for the use, receipt or provision of Town services, including but not limited to building permits, building code plan reviews or inspections, subdivisions, rezoning, conditional uses, variances or special use exceptions until the property owner and applicant have demonstrated that all Town obligations identified in this Chapter are current as to all projects, lands and property.

§ 95-4. Procedure.

- A. The Town staff having authority to accept applications and issue approvals, permits or licenses and/or provide Town services shall make all reasonable efforts to determine that none of the Town obligations identified in this Chapter is unpaid.
- B. If any noncompliance or outstanding obligations are determined to exist, then the Town employee with authority to issue the requested approval, permit, or license, and/or provide Town services shall, in writing, deny the application and indicate the payment, action or filing required for currentness and/or compliance. Failure of the appropriate employee to issue such written denial within 10 working days from receipt of the application shall constitute a waiver of this Chapter's applicability to that application.

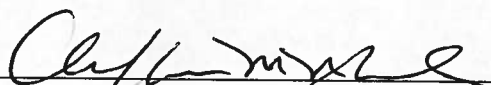
§ 95-5. Appeals.

Any applicant denied pursuant to this Chapter may appeal that denial to the Town Manager within 15 working days of such denial. The Town Manager, or a designee, shall thereafter hold a hearing at which the applicant shall be permitted to provide proof that such payment, action, or filing has been made and carried out, or that the denial is based on incorrect information. A written decision shall be rendered within 10 working days of the hearing. In the event that the Town Manager or designee confirms the denial after the hearing, the applicant may then appeal the denial to the Town Council. Such appeal must be filed in writing with the Town within 15 working days of the written decision.

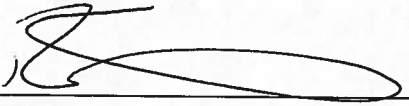
Synopsis

This ordinance amends the Town Code to establish a new Chapter 95, entitled "Clean hands Policy," conditioning the issuance of any Town approvals, licenses, and permits upon the applicant and property owner being in financial good standing with the Town.

I, **CLIFFORD M. NEWLANDS**, 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 2 day of MAY, 2011, at which a quorum was present and voting throughout and that the same is still in full force and effect.


MAYOR CLIFFORD M. NEWLANDS

5/2/11
DATE


ATTEST

