

Town of Milton

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ORDINANCE NO. 2018-002

AN ORDINANCE TO AMEND CHAPTERS 1, 63, 85, 89, 93, 136, 152, 164, 183, 198, 208, 209, AND 215 OF THE TOWN CODE RELATED TO FINES AND PENALTIES.

WHEREAS, the Mayor and Town Council of the Town of Milton has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Milton that the following revisions to the Milton Town Code are hereby adopted.

Section 1. Amend Article II of Chapter 1 and § 1-18 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Article II. ~~Failure to Answer Summons~~ General Penalty

§ 1-18. Violations and penalties.

~~Whoever fails to answer summons to appear in Magistrate Court of the State of Delaware to answer for any violation of the Code of the Town of Milton, after notice thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined, for the first offense, not less than \$50 nor more than \$500 or be imprisoned for not less than two days nor more than 10 days, or both, and shall pay the costs of prosecution. For each subsequent offense, the said person shall be fined not less than \$50 nor more than \$500 or be imprisoned for not less than five days nor more than 15 days, or both, and shall pay the costs of prosecution.~~

A. Unless the provision in question specifically provides for other penalties, any person who violates a provision of a chapter of this Code shall be fined \$99 for the first offense and \$250 for each subsequent, or continuing, offense. Each day that a violation continues shall be deemed a separation violation.

B. Option to pay fines directly to Town. Any fine associated with the violation of any section of the Code, as set forth above, may be paid directly to the Town of Milton by the due date stated in the notice of violation. If fines are not paid or violations are not remedied, or both, the Town may seek enforcement in a Delaware court of competent jurisdiction.

C. Code enforcement; general procedures.

(1) When a Code violation is reported, the Code Enforcement Officer will investigate promptly. Complaints can be relayed by phone, e-mail, or in person at Town Hall. A record shall be kept of all complaints pursuant to Town record-keeping policy.

(2) If a violation is verified, enforcement action will be taken. Unless otherwise provided by the Code:

(a) A door hanger notifying the property owner or occupant of the violation(s) is placed on the property, and a notice of deficiency is mailed by certified mail to the property owner of record.

(b) If a violation remains after the number of days indicated in the notice of deficiency for correction, a first notice of violation will be issued with the corresponding fine assessed, and sent via certified mail to the property owner of record.

(c) If a violation remains after the number of days indicated in the first notice of violation for correction, a second notice of violation will be issued with the corresponding additional fine assessed, and sent via mail to the property owner of record.

(d) If a violation remains after the number of days indicated in the second notice of violation for correction, a summons to appear in court will be issued to the property owner of record.

(e) In appropriate cases, duplicate notices may also be mailed or provided to residents or tenants of the property, if not owner/occupied, posted on the property, or both, as well as mailed to the owner of record.

D. Amount of fine to be paid. The amount due to be paid directly to the Town shall be the minimum amount due as set forth in § 1-18A.

E. Records. The Town shall keep a complete record of all payments made to the Town in accordance with this chapter.

F. Summons. Code Enforcement Officers are authorized to issue a summons to enforce the minimum fines due for violations of the following chapters of the Code:

<u>Chapter Title</u>	<u>Chapter Number</u>
<u>Animals</u>	<u>63</u>
<u>Building Construction</u>	<u>85</u>
<u>Burning, Open</u>	<u>89</u>
<u>Business Licenses</u>	<u>93</u>

<u>Chapter Title</u>	<u>Chapter Number</u>
<u>Housing Standards</u>	<u>136</u>
<u>Nuisances</u>	<u>152</u>
<u>Rental Properties</u>	<u>164</u>
<u>Street and Sidewalks</u>	<u>183</u>
<u>Trailers and Camping</u>	<u>198</u>
<u>Vehicles, Abandoned or Inoperable</u>	<u>208</u>
<u>Vehicles and Traffic</u>	<u>209</u>
<u>Water</u>	<u>215</u>

G. Notices to be mailed.

(1) Any notice issued for failure to comply with the specific chapter of the Town Code shall be mailed by certified mail to the owner of record of the property that is the subject of the violation at the owner's last known address as shown on the assessment records of the Town.

(2) In appropriate cases, duplicate notices may also be mailed or provided to residents or tenants of the property, if not owner occupied, posted on the property, or both, as well as mailed to the owner of record.

H. In addition, any person in violation shall become liable to the Town for any expense, loss or damage suffered by the Town by reason of such violation, including, but not limited to, the Town's engineers' fees, the Town's attorneys' fees and costs of prosecution.

I. In addition, the Mayor and Town Council may direct the Town Solicitor or other attorneys to proceed at law or in equity against any person responsible for the violation for the purpose of enjoining any continued or subsequent violation.

Section 2. Amend § 63-26 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 63-26. Violations and penalties.

~~A. 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 \$100. 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.~~

~~B. For the purpose of this chapter, each day that a violation of this chapter continues shall be deemed to be a separate offense.~~

~~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.~~

Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter I, Article II, General Penalty.

Section 3. Amend § 85-11 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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 Town ~~Administrator or his or her~~ Manager or designee.

Section 4. Amend § 85-12 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 85-12. Cancellation and revocation of permit; stop-work orders.

A. The Mayor and Town Council or their ~~representative~~ designee may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or application or plans on which the permit or approval was based.

B. Upon notice from the Mayor and Town Council or their ~~representative~~ designee, work on any building or structure that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his/her agent or to the person doing the work and shall state the condition under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Mayor and Town Council or their ~~representative~~ designee prior to the stopping the work.

Section 5. Amend § 85-13 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 85-13. Building code appeals.

Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the building code does not apply or that the true intent and meaning of the building code has been wrongly interpreted, the owner of such building or structure or their duly authorized agent may appeal from the decision of the Building Official to the ~~Building Code~~ Board of Appeals established by ~~Sussex County~~ this chapter and according to ~~Sussex County's~~ the Town's rules and regulations.

Section 6. Amend § 85-14 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 85-14. Violations and penalties.

~~A. Any person violating any provision of this chapter shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation, including, but not limited to, the Town's engineers' fees, the Town's attorneys' fees and costs of prosecution.~~

~~B. Any person violating any provision of this chapter shall, upon conviction therefor, be fined not less than \$95 nor more than \$500, plus court costs and Victims Compensation Fund assessment. Each failure to comply with any of the requirements of this chapter and/or each and every day during which such violation continues shall constitute a separate offense. Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.~~

~~C.~~

B. The Town reserves the right to deny the issuance of future permits to any person who violates the provisions of this chapter.

Section 7. Amend § 85-19 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 85-19. Building nuisances.

A. If any person, firm or corporation owning any building, shed, or structure within the Town limits of the Town of Milton shall permit such building, shed, or structure, either because of faulty construction or because of deterioration, or for any other reason, to be in such condition that it is a menace to the safety of persons or property, such condition is hereby declared to be a nuisance.

B. If such a nuisance is in existence, the Town ~~Administrator or his or her~~ Manager or 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~~ considered in violation of this chapter.

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 Town ~~Administrator or his or her~~ Manager or 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 8. Amend § 85-20 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 85-20. Appeals.

If the property owner ~~feels~~ believes, in ~~their~~ his or her opinion, that the Town's Code Enforcement Officer has made an error or when the true intent and meaning of this chapter has

been misconstrued or wrongly interpreted, they may appeal the decision to the Mayor and Town Council. Notice of appeal shall be in writing and filed within 30 days after the Town Code Enforcement Officer renders the decision.

Section 9. Amend § 85-23 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 85-23. Procedure.

Within five days following receipt of the notice of appeal, the Code Enforcement Officer shall transmit to the Town ~~Clerk~~ Manager or designee all the papers constituting the record upon which the decision was taken. No later than 30 days following receipt of the notice of appeal by the Town ~~Clerk~~ Manager or designee, the Mayor of the Town shall set a time, date and place for the hearing of the appeal by the Board of Appeals. All meetings of the Board shall be open to the members of the general public. The Board shall keep minutes and records of its proceedings, showing the evidence received at the hearing, the vote of each member upon each question considered, and indicating the absence of a member or failure of a member to vote if such was the fact. An application fee as specified in the currently effective Town of Milton Fee Schedule shall be paid to the Town ~~Clerk~~ at the time of filing the notice of appeal. The Board shall consider no appeal until the required fee is paid.

Section 10. Amend § 89-4 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 89-4. Violations and penalties.

~~A. Any person who shall violate the provisions of this chapter shall be fined not less than \$50 nor more than \$500.~~ Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

~~B. For the purpose of this chapter, each day that a violation continues shall be deemed to be a separate offense.~~

~~C.~~ The application of any penalty set forth herein shall not be held to prevent the enforced removal of any prohibited condition.

Section 11. Amend § 93-8 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 93-8. Appeals.

Any person aggrieved by a decision of the Code Enforcement Officer may, within 15 days, take an appeal to the Mayor and Town Council by giving written notice of ~~his~~ the aggrieved person's election so to do to the Town Hall and upon payment of a fee, if any, as established in the currently effective Town of Milton Fee Schedule. The Town ~~Clerk~~ Manager or designee shall notify the Secretary of the Town Council and shall transmit to the Secretary of the Town Council all the papers constituting the record upon which the decision appealed from was taken. Council shall set a date, time and place for the hearing of the appeal, which time and date shall be at the

regular ~~Town~~ Council meeting, so long as the applicable notice and time requirements may be met; if such applicable notice and time requirements cannot be met, then the appeal shall be held at either a special meeting or at the next regular Council meeting. Notice of the appeal shall be sent to the appellant and published in a newspaper of local circulation at least seven days prior to the scheduled hearing. The decision of the Mayor and Town Council shall be final, and any review shall be by writ of certiorari to the Superior Court of the State of Delaware.

Section 12. Amend § 93-12 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 93-12. Violations and penalties.

~~Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$99, plus costs, including Town Attorney's fees and Victim's Compensation Fund assessment, for each offense; and for the purposes of this chapter, a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.~~
Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Section 13. Amend § 136-44 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 136-44. Enforcement.

A. The Code Enforcement Officer shall enforce the provisions of this chapter as well as anyone who is appointed by the Town Council to enforce the provisions thereof.
B. Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Section 14. Amend § 152-6 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 152-6. Violations and penalties.

~~A. Any person who shall violate the provisions of this chapter shall be fined not less than \$50 nor more than \$99.~~ Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.
~~B. For the purpose of this chapter, each day that a violation continues shall be deemed to be a separate offense.~~
C. The application of any penalty set forth herein shall not be held to prevent the enforced removal of any prohibited condition or any other legal remedy deemed appropriate by the Council.

Section 15. Amend § 164-13 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 164-13. Violations and penalties.

A. No person, corporation or other entity shall engage in, carry on, aid or assist in the business, occupation, or activity of providing a residential rental unit without having first obtained an annual rental license for said residential rental unit within the Town of Milton.

B. The Town of Milton may request verification from any property owner of record of said property's status in the form of a declaration of property status as prescribed by the Town of Milton. Upon such a request, the property owner of record shall return the verification on the prescribed form of declaration to Town Hall within 30 days of the request being sent.

C. ~~Any person, corporation or other entity violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor violation of this chapter and, upon conviction thereof, shall be fined not less than \$99 nor more than \$300, plus costs, including Town Solicitor's fees and Victims' Compensation Fund assessment, for each offense; and for the purposes of this chapter, a separate offense shall be deemed to be committed each seven day period during or on which a violation occurs or continues.~~ Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Section 16. Amend § 183-18 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-18. Inspection; certification of compliance.

The Town ~~Clerk~~ Manager, in consultation with the ~~Maintenance Superintendent~~ Public Works Supervisor, shall, upon request, inspect any sidewalk laid out within the Town. Should the sidewalk comply and conform to the rules and regulations of this article, ~~he/she~~ the Town Manager shall certify that fact, in writing, to the person requesting ~~his~~ the certificate to that effect.

Section 17. Amend § 183-19 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-19. Violations and penalties.

A. Any person laying, constructing, or repairing or causing to be laid, constructed or repaired, any sidewalk within the Town who shall fail to comply with this article shall, upon conviction, be subjected to the fines and penalties as provided in § ~~1-16~~ 1-18 of this Code.

B. In addition to the aforementioned fines and penalties, the failure of any owner to comply shall result in the Town official charged with Code enforcement or other designated Town official to issue a notice, and the procedure set forth in Section 31 of the Charter of the Town shall be followed.

Section 18. Amend § 183-23 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-23. Street lines and grades.

All curbs and curbing shall conform to the line and grade as the same is established by the Town ~~Clerk~~ Manager or designee.

Section 19. Amend § 183-38 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-38. Inspection; certification of compliance.

The Town ~~Clerk~~ Manager, in consultation with the ~~Maintenance Superintendent~~ Public Works Supervisor, shall, upon request, inspect any curb or curbing laid within the Town. Should such curb or curbing comply and conform to this article, ~~he~~ the Town Manager shall certify that fact, in writing, to the person requesting ~~his~~ the certificate to that effect.

Section 20. Amend § 183-39 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-39. Violations and penalties.

A. Any person laying, constructing, or repairing or causing to be laid, constructed or repaired, any curb or curbing within the Town who shall fail to comply with this article shall, upon conviction, be subjected to fines and penalties provided for in § ~~1-16~~ 1-18.

B. The Town ~~Clerk~~ Manager or designee shall immediately forward to the owner of the property abutting or which any curb or curbing shall have been laid in violation of this article a notice to repair such curb or curbing so that the curb or curbing shall conform to this article. Upon the failure of any abutting owner to comply with said notice in the space of 60 days, the procedure set forth in Section 31 of the Charter of the Town shall be pursued.

Section 21. Amend § 183-40 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-40. Permit required to excavate street.

Any person desiring to open the bed of any street in the Town, for the purpose of laying pipes or conduits for water, sewer or other service, or to make repairs thereto, shall first obtain a permit from the Town ~~Clerk~~ Manager or designee.

Section 22. Amend § 183-42 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-42. Fee payable in advance; additional charges to be billed.

The Town ~~Clerk~~ Manager or designee shall receive a fee as established in the currently effective Town of Milton Fee Schedule in advance of issuing permits for street openings. The additional

charge for resurfacing the excess of 100 square feet shall be billed to the applicant subsequent to completion of the necessary repairs to paved surfaces.

Section 23. Amend § 183-45 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-45. Permit fee.

Application for a permit to erect utility poles or run cables shall be made at the office of the Town ~~Clerk~~ Manager or designee at the Town Hall upon written application and payment of a fee as established in the currently effective Town of Milton Fee Schedule.

Section 24. Amend § 183-46 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-46. Appeals.

Any person aggrieved by a decision of the Town ~~Clerk~~ Manager or designee shall have the right to appeal to the Mayor and Town Council upon giving written notice and payment of a fee as established in the currently effective Town of Milton Fee Schedule.

Section 25. Amend § 183-48 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 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. Any person violating any provision of this article shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.~~

Section 26. Amend § 183-54 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-54. Responsibility for removal of snow; ~~violations and penalties.~~

It shall be unlawful for the owner or occupant of any premises in the Town of Milton, in front or by the side of which shall be a sidewalk, to permit or allow any snowfall exceeding two inches to remain thereon for a longer period than 24 hours after it shall have ceased snowing, ~~and every person who shall permit or suffer the same to remain on said sidewalk in violation of this article and he, she, or they, so offending, shall forfeit and pay a fine of \$50 for such offense to be collected as fines of like amounts are collected. Each additional twenty four hour period in which a person permits or suffers the same to remain on the sidewalk shall be a separate violation, punishable by a fee of \$25 to \$50. If the Town removes the same for public safety~~

purposes, as determined by the Town Manager or designee, in addition to the aforementioned applicable fine, the cost or value of removing the same, whichever is greater, shall be recovered from the persons jointly and severally responsible for the same.

Section 27. Amend § 183-55 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-55. Snow not to be thrown onto street or road; ~~violations and penalties.~~

It shall be unlawful for the owner or occupant of any premises in the Town of Milton to permit or allow snow to be pushed or thrown onto any street or road in the Town of Milton, ~~and every person who shall permit the same shall be in violation of this article and he, she, or they, so offending, shall forfeit and pay a fine of \$50 for such offense to be collected as fines of like amounts are collected, and it shall be the duty of the Code Enforcement Officer to have the said snow removed immediately, and~~ If the Town removes the same for public safety purposes, as determined by the Town Manager or designee, in addition to the applicable fine, the cost or value of removing the same, whichever is greater, shall be recovered from the persons responsible for the same.

Section 28. Amend § 183-56 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-56. ~~Enforcement~~ Violations and penalties.

~~The Code Enforcement Officer shall enforce the provisions of this article as well as anyone who is appointed by the Town Council to enforce the provisions thereof.~~ Any person violating any provision of this article shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Section 29. Amend § 198-1 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 198-1. Parking or occupying prohibited trailer; violations and penalties.

A. It shall be unlawful for any person, firm or corporation to park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated within the limits of the Town of Milton, except the parking of unoccupied trailers in accessory private garage building or in the rear yard of any lot within the limits of the Town of Milton is permitted, providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is parked or stored.

B. A "trailer" is defined as any physical object designed or manufactured for transportation across the public highways, which is capable of readily being transported to another location without the involvement of a person or persons, commonly known as "house movers." A trailer possesses or is designed to possess axles or wheels (whether removable, permanent, in place or not in place). An object shall be deemed a trailer, if it is built on or with a frame of sufficient strength and character to facilitate, as a matter of fact or of design, transportation from the place

of initial residential occupancy without incurring the use or utilization of what is commonly known as a "house mover." Any such object which is of a width of 20 feet or less is deemed a trailer for purposes of this chapter, regardless of a manufacturer's or distributor's designation as modular housing or the like.

C. If a trailer, as defined above, is placed or attempted to be placed upon a foundation of permanent or semipermanent character, such foundation does not eliminate the object from the classification of trailer, as defined by this chapter.

~~D. Any person, firm or corporation found guilty of violating the provisions of § 198-1 of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$10; and each and every day any such person shall camp or live in a trailer parked or stored within the limits of the Town of Milton shall be treated and considered as a separate and distinct offense~~ Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Section 30. Amend § 209-86 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 209-86. Abandoned and junked vehicle prohibited; exceptions~~ [Reserved].

~~A. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked or on which the tags and/or registration has expired or partially dismantled condition, whether attended or not, upon any public or private property within the Town for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, junked, expired or partially dismantled vehicle or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Code.~~

~~B. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the Town and properly operated in the appropriate business zone, pursuant Chapter 220, Zoning, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways.~~

Section 31. Amend the Milton Town Code by inserting a new Chapter 208, entitled "Vehicles Abandoned or Junked", making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 208. Vehicles Abandoned or Inoperable.

§ 208-1. Abandoned or inoperable vehicles prohibited; exceptions.

A. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked or on which the tags or registration has expired or partially dismantled condition, whether attended or not, upon any public or private property within the Town for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, junked, expired or

partially dismantled vehicle or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Code.
B. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the Town and properly operated in the appropriate business zone, pursuant Chapter 220, Zoning, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways.
C. Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

Section 32. Amend § 215-1 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 215-1. Authority of Town ~~Clerk~~ Manager.

The Town ~~Clerk~~ Manager or designee shall be and is hereby authorized to issue an order directing that water shall not be used for washing vehicles or sprinkling of streets, grass, shrubs and gardens in the event of a shortage of water or if an emergency exists.

Section 33. Amend § 215-3 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 215-3. Violations and penalties.

~~A. Any person who shall violate the provisions of this article shall be fined not less than \$50 nor more than \$500.~~ Any person violating any provision of this article shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

~~B. For the purpose of this article, each day that a violation continues shall be deemed to be a separate offense.~~

~~C. The application of any penalty set forth herein shall not be held to prevent the enforced removal of any prohibited condition.~~

Section 34. Amend § 215-30 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 215-30. Water emergencies; violations and penalties.

A. The Mayor may declare by executive order, or the Town Council may declare by resolution or motion, a state of water emergency when it appears to the Mayor or Town Council that the Town's water sources are incapable of producing sufficient water to meet all the needs of the Town's water users.

B. During a declared water emergency, water service may be interrupted in any or all areas of the Town in order to perform repairs, provided that water for firefighting shall remain available. Upon expiration of the declared water emergency, water service shall be restored without charge to the property owners and users of the Town's water system.

C. Upon such a declaration, and for the duration of the declared water emergency, it shall be unlawful to use the Town of Milton's municipal water supply for outside irrigation, water sprinkler or other uses as provided by Subsection D below.

D. The declaration of a state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.

~~E. Violation of this section is punishable by a fine. In this case, imprisonment may not be imposed. Violators shall be fined not less than \$50 per violation nor more than \$500 per violation and shall pay all costs associated with the violation, including reasonable attorney's fees. The owner or tenant of the property cited for illegal watering or irrigation or usage under this section may have the option to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges. Penalties and/or fines shall be paid to the Town of Milton by cash or check. The Town's address shall be stated on all citations. Unpaid, uncontested penalties and/or fines may be debited against the municipal account or the party cited and will be subject to collections pursuant to the Town's water bill collection policies. Any person violating any provision of this article shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.~~

I, **THEODORE KANAKOS**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Mayor and Town Council of the Town of Milton at its meeting held on the 4th day of June, 2018, during 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