

Town of Milton

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ORDINANCE NO. 2018-010

AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED "ZONING," REGARDING ACTIVITIES PROHIBITED IN ALL DISTRICTS.

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 has the power to zone or district the Town and make particular provisions for particular zones or districts with regard to structures, building, and building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

WHEREAS, the Town Council of the Town of Milton has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

WHEREAS, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing; and

WHEREAS, the Town of Milton Planning and Zoning Commission held a duly noticed hearing on _____ and voted _____ in the Advisory Report received by Town Council; and

WHEREAS, The Town Council held a public hearing on _____, as scheduled by prior resolution, with proper notice by publication as required by Town Code Section 220-101A; and

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 by incorporated into Chapter 220 of the Town Code, entitled "Zoning," in Article IV, Section 220-22, entitled "Activities prohibited in all districts," with deletions shown by strike-through and additions shown by underline:

Chapter 220. Zoning

Article IV. Zoning Use and Overlay Districts

§ 220-22 Activities prohibited in all districts.

- A. No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the Delaware Department of Natural Resources and Environmental Control or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant or animal life.
- B. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building in such premises and excavation or grading incidental thereto.
- C. No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire, explosion, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.
- D. Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall not be permitted.
- E. No wastewater effluent or spray irrigation shall be applied or used, except as permitted for agricultural lands actively being farmed in compliance with Title 3, Section 2301 of the Delaware Code, or for agricultural lands in preservation and in compliance with Title 3, Section 909(a)(5)e. of the Delaware Code.

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 ____ day of _____, **2018**, following a duly noticed public hearing, 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 zoning ordinance relating to spray irrigation. Specifically, the ordinance prohibits the use of wastewater effluent, also known as reclaimed water, except for actively farmed agricultural lands and lands in the State's agricultural preservation program.