

Town of Milton  
115 Federal St  
Milton, DE 19968



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**ORDINANCE NO. 2019-007**

**AN ORDINANCE TO AMEND CHAPTER 170 OF THE TOWN CODE, ENTITLED  
"SEWERS," RELATED TO TERMINOLOGY, WAIVERS, AND ENFORCEMENT.**

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**WHEREAS**, the Mayor and Town Council of the Town of Milton has the authority under Section 29(9) of the Town Charter to "provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses, or purposes, the system may be used, the manner of its use,..., to compel any and all properties in the Town to be connected to the sewer system of the Town; and/or to contract for and/or purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefore of the Town itself"; and

**WHEREAS**, the Mayor and Town Council has enacted ordinances regarding the sewer system, with those ordinances being codified in Chapter 170 of the Town Code; and

**WHEREAS**, the Town sold the Town's sewer system to Tidewater Environmental Services, Inc., which is regulated by the Delaware Public Service Commission; and

**WHEREAS**, the Mayor and Town Council seek to update provisions in Chapter 170 to reflect that sale, as well as to reflect the current organization of the Town, with the Town Manager generally supervising the administration of the affairs of the Town;

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

Section 1. Amend § 170-2 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 170-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms in this chapter shall be as follows:

## COMMUNITY SEWER

A sewer currently or previously owned and operated by the Mayor and Council of Milton or Tidewater Environmental Services, Inc., tributary to a wastewater treatment facility currently or previously operated by the Mayor and Council of Milton or Tidewater Environmental Services, Inc.

## PRIVATE SEWER

A sewer either on private property or in a public street which is not constructed by, nor is controlled by a ~~public agency~~ the Mayor and Council of Milton or Tidewater Environmental Services, Inc.

## SEWER SYSTEM

All sewers, laterals or other connections or plants which connect with or pertain to a connection with the sewers, plants, public works, and/or projects of the Mayor and Council or Tidewater Environmental Services, Inc., including all facilities currently or previously owned by the Mayor and Council.

Section 2. Amend § 170-20 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 170-20. Private sewers and septic systems prohibited.

All structures located within the ~~cooperate~~ corporate limits of the Town of Milton which have discharges of domestic wastes and nondomestic wastes shall be connected to the community sewer. A private sewer or septic system is specifically prohibited without a prior written waiver from the Mayor and Town Council. Any such waiver shall only be granted based upon the applicant's showing of good cause, and the Mayor and Town Council may impose conditions on the waiver, including but not limited to those related to volume and length of operation. Noncompliance with any conditions of the waiver shall automatically invalidate the waiver.

Section 3. Amend § 170-50 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 170-50. Responsibility for enforcement.

All rules and regulations described herein shall be enforced by the Town under the direction of the Town Manager or designee ~~Mayor and Council or their authorized representative.~~

Section 4. Amend § 170-57 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 170-57. Appeals.

Any user, permit applicant, or permit holder affected by any decision, action or determination made by the ~~Mayor and Council~~ Town Manager or designee, interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Mayor and Council a written ~~request for reconsideration~~ appeal within 10 days of such decision, action or determination, setting forth in detail the ~~facts~~ asserted bases supporting the user's ~~request for reconsideration~~ appeal. The written appeal shall be heard by the Mayor and Council at a public

hearing within 360 days from the date of filing. The Mayor and Council shall make a final ruling on the appeal de novo within 10 days of the close of the public hearing. The ~~Mayor and Council's~~ initial decision, action or determination of the Town Manager or designee shall remain in effect during such period of reconsideration.


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### **SYNOPSIS**

This Ordinance amends the Town Code's chapter regarding sewers. Specifically, the ordinance clarifies various definitions in light of the sale of the sewer system to Tidewater Environmental Services, Inc. Additionally, the ordinance expressly provides for waiver requests for private sewers or septic systems based on a showing of good cause. Any such waiver may include conditions, and noncompliance with any condition will invalidate the waiver. The ordinance places enforcement responsibilities with the Town administration, under the direction of the Town Manager. Finally, as a result of the Town administration being charged with enforcing Chapter 170 and the permits issued thereunder, the ordinance revises the reconsideration process to an appeal process, with an appellant having the ability to request that the Mayor and Council review the Town Manager's decision.

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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 9 day of September, 2019, 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**

