

Town of Milton
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Milton, DE 19968



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ORDINANCE NO. 2021-001

AN ORDINANCE TO AMEND CHAPTER 148 OF THE TOWN CODE, ENTITLED "NOISE".

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 noise, codified as Chapter 148 of the Town Code; and

WHEREAS, the Mayor and Town Council held an open meeting on the 4th day of January, 2021, to consider amendments to Chapter 148;

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

Section 1. Amend the title of Table 1 in § 148-5A(1) of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

Maximum Permissible Noise Levels From Stationary and Mobile Sources

Section 2. Amend § 148-5B of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

B. Mobile sources.

- (1) Noise levels from mobile sources shall not exceed those levels presented in the Continuous Noise column of Table 3- 1 above in Subsection A(1).
- (2) Test procedures to determine whether maximum noise emitted by mobile sources complies with the noise limits set forth in this article shall be ~~in substantial conformity with Standards and Recommended Practice established by the Society of Automobile Engineers, Inc., and such other and further standards established by the Code Enforcement Officer.~~ performed in the following manner:
 - (a) The location of the microphone of the measurement system shall be on the receptor's property boundary at a point approximately 10 feet from any obstruction (including building walls, trees, bushes, automobiles).
 - (b) No person, other than the operator, shall be within 10 feet of the microphone used with the sound measurement system during the measurement period.
 - (c) The sound measurement system shall be calibrated in accordance with the manufacturer's instructions.
 - (d) All measurements shall be conducted with the sound level meter set on the A-weighted scale

“fast” response reading level.

- (e) Noise level measurements shall be taken when the alleged noise source is in operation and when not in operation. If the noise source in operation cannot be turned off for the purpose of making a measurement, then the measurement taken during the noise source in operation shall be compared to the standard levels of noise in the Continuous Noise column of Table 1.

Section 3. Amend § 148-8B of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

- B. The Code Enforcement Officer shall have authority, with the consent of the owner, occupant, operator or agent, to enter and inspect all premises subject to the provisions of this article for the purpose of determining whether there is compliance with ~~his~~ the Town of Milton requirements.

Section 4. Amend § 148-12B of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

- B. The owner, occupant, operator or agent shall be granted a conference on the matter upon ~~his~~ their request, as soon as practicable; but such conference shall in no case stay the abatement or correction of such emergency.

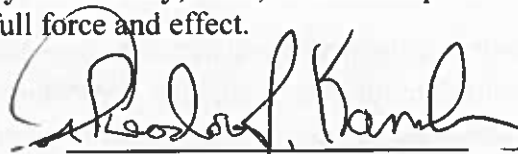
Section 5. Amend § 148-13E of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

- E. Nothing in this section and no exemption, partial exemption or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of § ~~148-12A~~ of this article to any person or ~~his~~ their property.

Section 6. Amend § 148-17B of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

- B. Any person operating or causing to be operated any sound-amplifying equipment in violation of the sound-amplifying equipment provisions of this article shall have ~~his~~ their permit revoked.

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 **4th day of January, 2021**, 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 chapter on noise by establishing a table and test procedures for mobile source level limits. The Ordinance also removes gender-specific language.