



Town of Milton

115 Federal Street, Milton, Delaware 19968

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ORDINANCE 2021-010

TO AMEND TOWN CODE CHAPTER 93 RELATED TO BUSINESS LICENSES

WHEREAS, the Town Charter of the Town of Milton, Delaware (“Town”) provides in Section 29, that, “the Town Council is vested by this Charter with the following powers, to be exercised by the Town Council in the interest of good government, and the safety, health and public welfare of the Town, its inhabitants and affairs”; and

WHEREAS, Section 29 authorizes the Town Council to license, tax, and collect fees for any and all municipal purposes of such various amounts as the Town Council from time to time shall fix from any individual, firm, association, or corporation carrying on or practicing any business, profession, or occupation within the limits of the Town; and

WHEREAS, Milton Town Code Chapter 93 authorizes the issuance of business licenses for a fee in accordance with the currently effective fee schedule; and

WHEREAS, Milton Town Code Chapter 93-2 defines a yard sale; and

WHEREAS, Milton Town Code Chapter 93-10 grants exceptions to license requirements;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby incorporated into Chapter 93 of the Town Code, entitled “Business Licenses” in Section 93-2, entitled "Definitions" and Section 93-10, entitled “Exceptions to license requirements” with deletions shown by strike-through and additions shown by underline:

§ 93-2 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

YARD SALE

The sale of personal property owned by the owner or lessee of the land and the principal

building located on the parcel where the sale is to be conducted from dusk to dawn.

§ 93-10 Exceptions to license requirements.

- A. No license fee shall be charged for a license issued to a charitable or public service institution, association, club or body not organized and conducted for private gain.
- B. Nothing herein shall be construed to make it mandatory upon any resident of the State of Delaware to apply for a license in order to sell in the Town any form of produce or products grown upon a farm owned by such resident or any member of his/her family with whom he/she resides.
- C. Nothing herein shall be construed to make it mandatory for anyone less than 18 years of age to apply for a license in order to perform grass cutting and lawn mowing.
- D. No license is required for yard sales conducted on the premises for the sale of personal property owned by the owner or lessee of the ~~land and the principal building located on the~~ parcel where the sale is to be conducted; provided, however, that not more than two yard sales, other than the Town-wide yard sale shall be conducted in each calendar year on said premises.

I, THE UNDERSIGNED, Secretary of the Town Council of the Town of Milton, do hereby certify that the above resolution was passed at the meeting of the Town Council, duly called and convened, held on the 6th day of December, 2021, at which a quorum was present and voting throughout and that same is still in full force and effect.

TOWN OF MILTON

BY: Lee Revis Blank
SECRETARY OF TOWN COUNCIL

DATE: 12/20/21

SYNOPSIS

This ordinance amends the Town Code's regulations relating to business licenses. Specifically, the ordinance defines the duration of a yard sale, and removes an excluding description of the location for a yard sale. The current code does not include accessory buildings or structures in the description.