



*Town of Milton*

115 Federal Street, Milton, Delaware 19968

[www.milton.delaware.gov](http://www.milton.delaware.gov)

Phone: 302-684-4110 Fax: 302-684-8999

**ORDINANCE NO. 2021-012**

**AN ORDINANCE TO AMEND CHAPTER 85 OF THE TOWN CODE, ENTITLED  
"BUILDING CONSTRUCTION," RELATED TO BUILDING CONSTRUCTION  
PERMITS.**

**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 building construction, codified as Chapter 85 of the Town Code; and

**WHEREAS**, the Mayor and Town Council held an open meeting on the 6th day of December, 2021, to consider amendments to Chapter 85;

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

Section 1. Amend § 85-8A of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

**§ 85-8 Hours of construction.**

A. Construction shall be permitted between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:00 p.m. on Saturdays. No construction shall take place on Sundays or ~~federal~~ Town of Milton holidays. Nothing contained herein shall prevent any homeowner from working within ~~his~~ their own boundaries, provided that such work is done by ~~himself~~ themselves and is used exclusively by ~~him~~ them or ~~his~~ their family and ~~guest~~ guests. Such privilege does not convey the right to violate any of the provisions of this chapter, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees thereof.

Section 2. Amend § 85-26 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

**§ 85-26 Adoption of standards.**

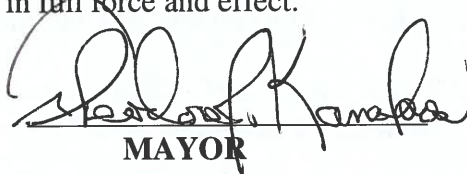
A. The Town of Milton hereby adopts by reference as the Town of Milton codes the ~~2012~~ 2015 edition of the International Residential Code, 2012 edition of the International Property Maintenance Code, ~~2012~~ 2015 edition of the International Building Code, and ~~2012~~ 2015 edition of the International Existing Building Code, as issued by the International Code Council, and all future amendments, changes and modifications of said codes. These codes will remain in effect until the Town of Milton adopts new codes.

~~B. The following are exempt from Subsection A of this section:~~

~~(1) Automatic fire sprinkler systems, IRC § R313. Automatic fire sprinkler systems shall be exempted from one and two story single family detached and semidetached dwellings, as defined in § 220-6.~~

Section 3. This Ordinance shall become effective on April 1, 2022. However, Section 2 of this Ordinance shall have no effect any building permit issued or any site plan or subdivision master plan approved prior to the aforementioned effective date, provided such permit or approval does not expire.

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 **6th day of December, 2021**, at which a quorum was present and voting throughout and that the same is still in full force and effect.



**MAYOR**

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**SYNOPSIS**

This Ordinance amends the Town Code's construction restriction dates, and adopts the International Code Council codes to be aligned with the State. The changes between the current codes and the proposed codes reflect minor changes that include use of newer material, more precise testing, revises wind and snow load data/requirements and aligns sections with other laws.

This Ordinance also removes the exemption for sprinkler systems for single family one- and two-story dwellings. However, exemption remains valid for building permits that are issued prior to April 1, 2022, as well as approvals for site plans and subdivision master plans. If the building permit or the approval expires, a new submission to the Town will need to comply with this Ordinance.