



*Town of Milton*  
115 Federal Street, Milton, Delaware 19968  
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**ORDINANCE NO. 2022-002**

**AN ORDINANCE TO AMEND CHAPTER 85 OF THE TOWN CODE, ENTITLED  
“BUILDING CONSTRUCTION,” RELATED TO CONSTRUCTION, DEMOLITION,  
AND REPAIR**

**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 7th day of March, 2022, 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 § 85-2 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

§ 85-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ALTER**

To change or make different.

**ASSEMBLE**

To fit or join together the parts.

**BUILDING**

Any structure built for the support, shelter or enclosure of persons, chattel or property of any kind.

#### BUILDING OFFICIAL

The Building Inspector for the Town.

#### CODE ENFORCEMENT OFFICER

The Town official in charge of enforcement of the Town of Milton ordinances. The Code Enforcement Officer is the person appointed for this purpose by the Town Council or their designee.

#### CONSTRUCTION

To build, ~~erect~~ erect, assemble, alter, or place a building or structure.

#### CORPORATION COUNSEL

The Town Solicitor.

#### DEMOLISH

To tear down completely; raze; to do away with completely.

#### DEMOLITION

The process of demolishing a structure.

#### ERECT

To construct by assembling.

#### MUNICIPALITY

The Town of Milton.

#### NEW CONSTRUCTION

New construction is the improvement of a vacant parcel with a primary permitted structure, or if, in the opinion of the Code Officer, there is over 50% of alterations done on the existing primary structure or addition to the existing floor space of the primary structure equal to or greater than 25% or the change of use of the property from a low- to no-volume pedestrian use to a higher volume pedestrian use (i.e., office to a coin-operated laundry mat, a single business in a structure to multiple businesses in the same structure).

#### REPAIR

To restore ~~to sound~~ or alter condition.

#### STRUCTURE

That which is built, erected or constructed.

Section 2. Amend § 85-8 of the Town Code, with additions shown by underline and deletions shown by strikethrough as follows:

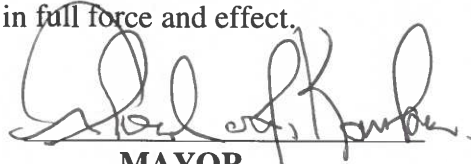
§ 85-8 Hours of construction, demolition, and repair.

A. Construction, demolition, and repair, including the set-up and clean-up related to any, 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 holidays. Nothing contained herein shall prevent any homeowner from working within his own boundaries, provided that such work is done by himself and is used exclusively by him or his family and guest. 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.

B. In instances where a structure is damaged by fire, flood or other force of nature so as to present an imminent danger, the Town Manager may grant an emergency repair.

Section 3. This ordinance shall take effect on March 21, 2022.

**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 **7th day of March 2022**, 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 clarifies the language and applicability of hours for construction, demolition, and repair activities. The existing construction hours now expressly apply to demolition and repair, as well as the activities of setting up and cleaning up for construction, demolition, and repair.