

# City of Milford



## CITY COUNCIL AGENDA

**January 26, 2015 - 7:00 P.M.**

Joseph Ronnie Rogers Council Chambers

Milford City Hall

201 South Walnut Street

Milford, Delaware

## COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

Adoption/Ordinance 2014-16/Chapter 130 Amendment/Floodplain Management

Adoption/Ordinance 2014-17/Chapter 88 Amendment/Building Construction

Brewgrass Festival/Amendment to Approval\*

New Business

Adoption of Resolution 2015-01/Acceptance of Public Improvements/Fork Landing Farms

Approval/SE Front Street Improvements Project/Additional Sidewalk Installation\*

Approval/FY 2014-2015 Budget Adjustment/Maple Avenue Culvert Repair\*

Approval/FY 2014-2015 Budget Adjustment/Truitt Avenue Sidewalk Urgent Repairs\*\*

Approval/FY 2014-2015 Budget Adjustment/Preliminary Engineering Expenses/2015 Sewer System Project\*

Approval/FY 2014-2015 Budget Adjustment/DBF Contract Amendment/Seabury Avenue Test Well\*

Adjourn

## WORKSHOP

Call to Order - Mayor Bryan Shupe

Ordinance 2014-18/Chapter 204/Taxation/Supplemental Bills and Appeal Deadlines

Ordinance 2015-01/Chapter 193/Solid Waste Amendments

Potential Procurement of Hourly Labor and Equipment Purchases Under Kent County Contract\*\*

City of Milford Southeast Master Plan Amendment\*\*

Clarification of Intent/Milford Code Chapter 230-62(D)

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

121614 121814 011215 \*012215 Late Addition (Request of City Manager) \*\*012315 Late Addition (Request of City Manager)



# Sussex County Association of Towns

P.O. Box 589 Georgetown, DE 19947

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

## MEETING NOTICE

### Legislative Night

- LOCATION:** CHEER Community Center  
Sand Hill Rd, Georgetown
- DATE:** Wednesday, February 4, 2015
- TIME:** 6:00 p.m. – Social  
6:30 p.m. – Dinner
- HOST:** Town of Georgetown
- SPEAKERS:** The Honorable Jack Markell, Governor  
and our Legislators
- COST:** \$33.00
- MENU:** Garden Salad w/Ranch or House Dressing & Homemade Rolls  
Carving Station featuring Prime Rib  
Stuffed Chicken Breast with Gravy  
Seafood Imperial with Shrimp, Crab, Scallop, and Fish  
Roasted Sweet & Red Potatoes w/Olive Oil & Seasonings  
Vegetable Medley w/Fresh Herbs, Olive Oil & Garlic
- Dessert: Warm Apple Crisp w/Vanilla Ice Cream

For reservations, please call Angie Townsend at Georgetown Town Hall at 856-7391 no later than **FRIDAY, JANUARY 30<sup>th</sup> by NOON**

Please make checks payable to the “**Town of Georgetown**”  
Checks can be mailed in advance to: 39 The Circle, Georgetown, DE 19947

✦ *Entertainment by Cathy Gorman* ✦

**Please thank our sponsors!**

*Open Bar sponsored by Comcast*

*Door Prizes sponsored by  
AECOM and SCAOR - Rep Ruth Briggs-King*

**Chapter 130**  
**FLOODPLAIN MANAGEMENT**

**ARTICLE I**  
**General Provisions**

- § 130-1. Intent.
- § 130-2. Abrogation and greater restrictions.
- § 130-3. Applicability.
- § 130-4. Definitions.

**ARTICLE II**  
**Establishment of Floodplain Area**

- § 130-5. Identification.
- § 130-6. Description.
- § 130-7. Changes in delineation of area.
- § 130-8. Boundary disputes.

**ARTICLE III**  
**Utilization of Floodplain Area**

- § 130-9. Permitted uses.
- § 130-10. Encroachments.
- § 130-11. Alteration or relocation of watercourse.

**ARTICLE IV**  
**Criteria for Building and Site Plan Approval**

- § 130-12. Building permit required.
- § 130-13. Basic permit format.

- § 130-14. Elevation and floodproofing information.
- § 130-15. Site plan criteria.

**ARTICLE V**  
**Specific Requirements**

- § 130-16. Design and construction standards.

**ARTICLE VI**  
**Administration**

- § 130-17. Permit and site plan approval required.
- § 130-18. Approval of permits and plans; records.
- § 130-19. Application procedures.
- § 130-20. Consent required for changes.
- § 130-21. Placards.
- § 130-22. Start of construction.
- § 130-23. Inspections; revocation of permit.
- § 130-24. Fees.

**ARTICLE VII**  
**Appeals and Penalties**

- § 130-25. Appeals.
- § 130-26. Appeal review criteria.
- § 130-27. Violations and penalties.

**[HISTORY: Adopted by the City Council of the City of Milford 9-14-1992. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 88.  
Subdivision of land — See Ch. 200.

Zoning — See Ch. 230.

ARTICLE I  
**General Provisions**

**§ 130-1. Intent.**

The intent of this chapter is to:

- A. Promote the general health, welfare and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing the unwise design and construction of development in areas subject to flooding.

**§ 130-2. Abrogation and greater restrictions.**

This chapter supersedes any ordinances currently in effect in flood-prone areas. However, any ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

**§ 130-3. Applicability.**

- A. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any development or the new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) within the floodplain area unless a permit has been obtained from the Code Official. Additionally, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to, and approved by, the Code Official prior to any such development.
- B. Provisions of all other codes, ordinances and regulations shall be applicable insofar as they are consistent with the provisions of this chapter and the community's need to minimize the hazards and damage resulting from flooding.

**§ 130-4. Definitions.**

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

**BASE FLOOD** — The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood.

**BASEMENT** — Any area of the building having its floor subgrade (below ground level) on all sides.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**FLOOD** — A general and temporary inundation of normally dry land areas.

**FLOODPLAIN:**

- A. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation.
- B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

**HISTORIC STRUCTURE** — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** — Structures for which the start of construction, as herein defined, commenced on or after September 14, 1992, and includes any subsequent improvements to such structures. [**Amended 6-12-1995**]

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after September 14, 1992. [**Amended 6-12-1995**]

**ONE-HUNDRED-YEAR FLOOD** — A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year.

**PERSON** — Any individual or group of individuals, corporation, partnership, association or other entity, including state and local governments and agencies.

**PRINCIPALLY ABOVE GROUND** — Where at least 51% of the actual cash value of a structure, less land value, is above ground.

**RECREATIONAL VEHICLE** — A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**START OF CONSTRUCTION** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. Law 97-348, includes substantial improvements and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date.

- A. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include

the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

- B. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

## ARTICLE II

### Establishment of Floodplain Area

#### § 130-5. Identification.

The identified floodplain area shall be those areas of the City of Milford which are subject to the one-hundred-year flood, as shown on the Floodway Map or Flood Insurance Rate Map (FIRM) and described in the Flood Insurance Study (FIS) prepared for the City of Milford by the Federal Emergency Management Agency (FEMA) dated July 14, 1978, or the most recent revision thereof.

#### § 130-6. Description.

The identified floodplain area shall consist of the following three specific areas:

- A. The floodway area shall be those areas identified as such in the FIS and as shown on the Floodway Map or FIRM. The term shall also include floodway areas identified in other studies for the approximated area discussed in Subsection C below.
- B. The floodway fringe area shall be those areas for which specific one-hundred-year-flood elevations have been provided in the FIS but which lie beyond the floodway area. These areas are shown on the Floodway Map or FIRM.

- C. The approximated area shall be those areas identified as an A Zone on the Floodway Map or FIRM included in the FIS prepared by FEMA and for which no one-hundred-year-flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The City of Milford may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City of Milford.

**§ 130-7. Changes in delineation of area.**

The delineation of the identified floodplain area may be revised by the City of Milford where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual document the necessity for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

**§ 130-8. Boundary disputes.**

Should a dispute concerning any district boundary arise, an initial determination shall be made by the permit officer, and any party aggrieved by this decision may appeal to the Board of Appeals. The burden of proof shall be on the appellant.

ARTICLE III  
**Utilization of Floodplain Area**

**§ 130-9. Permitted uses.**

In the floodplain area any development and/or use of land may be permitted, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained herein and in all other applicable codes, ordinances and regulations.

**§ 130-10. Encroachments.**

Within any floodway area, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the base flood elevation.

**§ 130-11. Alteration or relocation of watercourse.**

Whenever a developer intends to alter or relocate a watercourse within the floodplain area, the developer shall notify, in writing, by certified mail, all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the City of Milford, in writing, that the flood-carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

## ARTICLE IV

**Criteria for Building and Site Plan Approval****§ 130-12. Building permit required.**

Building permits are required in order to determine whether all new construction or substantial improvements are:

- A. Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Constructed with materials and utility equipment resistant to flood damage.
- C. Constructed by methods and practices that minimize flood damage.
- D. Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**§ 130-13. Basic permit format.**

The basic format of the building permit shall include the following:

- A. Name and address of the applicant.
- B. Name and address of the owner of the land on which proposed construction is to occur.
- C. Name and address of the contractor.
- D. Site location.
- E. A brief description of the proposed work and estimated cost.
- F. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

**§ 130-14. Elevation and floodproofing information.**

Depending on the type of structure involved, the following information shall also be included with the application for development within the floodplain area:

- A. For structures to be elevated to the base flood elevation:

- (1) A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - (2) A determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a registered professional engineer, surveyor or architect.
  - (3) Plans showing the method of elevating the proposed structure, which includes details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the permit officer, these plans shall be prepared by a registered professional engineer or architect.
  - (4) Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the base flood elevation at the building site.
- B. For structures to be floodproofed to the base flood elevation (nonresidential structures only):
- (1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
  - (2) A determination of elevations of existing ground, proposed finished ground, lowest floor and floodproofing limits, certified by a registered professional engineer, surveyor or architect.
  - (3) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection B(1) above that the structure in question, together with attendant utility and sanitary facilities, is designed so that:
    - (a) Below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
    - (b) The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures and other factors associated with the base flood.

**§ 130-15. Site plan criteria.**

The owner or developer of any proposed subdivision, manufactured home park or subdivision or other development shall submit a site plan to the permit officer which includes the following information:

- A. Name of engineer, surveyor or other qualified person responsible for providing the information required in this section.
- B. A map showing the location of the proposed subdivision and/or development with respect to the municipality's floodplain areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, shall include base flood elevation data.

- C. Where the subdivision and/or development lies partially or completely in the floodplain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two feet or five feet, depending upon the slope of the land, and identify accurately the boundaries of the floodplain areas.

ARTICLE V  
**Specific Requirements**

**§ 130-16. Design and construction standards.**

In order to prevent excessive damage to buildings, structures and related utilities and facilities, the following restrictions apply to all development, subdivision proposals, manufactured home parks and new construction and to construction of substantial improvements to existing structures occurring in the floodplain area.

A. Basements and lowest floors.

- (1) All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated one foot above the base flood elevation.
- (2) All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is floodproofed in accordance with § 130-14B.
- (3) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Manufactured home placement.

- (1) Manufactured homes to be placed or substantially improved within any floodplain area on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or in an existing manufactured home park or subdivision in which a

manufactured home has incurred substantial damage, as defined herein, as the result of a flood shall:

- (a) Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated one foot above the base flood elevation; and
  - (b) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved within any floodplain area in an existing manufactured home park or subdivision and not subject to the provisions of Subsection B(1) shall be elevated so that either:
- (a) The lowest floor of the manufactured home is at or above the base flood elevation; or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately anchored concrete foundation system to resist flotation, collapse and lateral movement.
- C. Recreational vehicle placement. Recreational vehicles to be placed within any floodplain area shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet the provisions of Subsection B(1) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. All recreational vehicles shall be utilized only within an approved state park area.
- D. Fill. If fill is used to raise the finished surface of the lowest floor to the base flood elevation:
- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally 15 feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for intended use. At-grade access, with fill extending laterally 15 feet beyond the building line, shall be provided to a minimum of 25% of the perimeter of a nonresidential structure.
  - (2) Fill shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
  - (3) Fill materials shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
  - (4) Fill slopes shall be no steeper than one vertical on two horizontal, unless substantiating data justifying steeper slopes is submitted to and approved by the permit officer.
  - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

- E. Placement of buildings. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum obstruction effect upon the flow and height of floodwater.
- F. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse. All such anchoring shall be designed by an architect certified by the State of Delaware.
  - (2) All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to resist flotation.
  - (3) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement.
    - (a) Methods of anchoring may include but are not limited to over-the-top and frame ties to ground anchors, such as the following:
      - [1] Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side, which shall be located at the midpoint of the unit's length.
      - [2] Frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
      - [3] All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
      - [4] Any additions to a manufactured home shall be similarly anchored. Determination of said anchoring shall be by the Code Official.
    - (b) This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- G. Storage. No materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal or plant life shall be stored below base flood elevation.
- H. Utility and facility requirements.
- (1) All new or replacement water systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
  - (2) All new or replacement sanitary disposal systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
  - (3) All other new or replacement public and/or private utilities and facilities shall be located and constructed to minimize or eliminate flood damage.

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

I. Drainage. Adequate drainage shall be provided to reduce exposure to flood hazard.

## ARTICLE VI Administration

### § 130-17. Permit and site plan approval required.

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any development or the new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) within the floodplain area unless a permit has been obtained from the Code Official. In addition, where land is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed, a site plan must be submitted to and approved by the Code Official prior to any such development.

### § 130-18. Approval of permits and plans; records.

- A. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the state and all other applicable codes and ordinances.
- B. The Code Official shall require copies of all necessary permits from those governmental agencies from which approval is required by federal or state law.
- C. A record of all information supplied to the Code Official shall be kept on file by the Code Official.

### § 130-19. Application procedures.

Application for building permit and site plan approvals shall be made, in writing, to the Code Official and shall include all information stipulated under Article IV of this chapter.

### § 130-20. Consent required for changes.

After the issuance of a building permit or site plan approval by the Code Official, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Code Official.

### § 130-21. Placards.

In addition to the building permit, the Code Official shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit and the date of its issuance and be signed by the Code Official.

**§ 130-22. Start of construction.**

Work on the proposed construction shall begin within six months after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Code Official.

**§ 130-23. Inspections; revocation of permit.**

During the construction period, the Code Official or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and ordinances. In the event that the Code Official discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the Code Official shall revoke the building permit and report such fact to the City of Milford for whatever action it considers necessary.

**§ 130-24. Fees.**

Application for a building permit shall be accompanied by a fee, payable to the City of Milford, as per the fee structure set forth by the City of Milford Building Code (1987 BOCA Building Code, adopted February 13, 1989).<sup>1</sup> Said fees shall, from time to time, be changed by action of the Milford City Council.

ARTICLE VII  
**Appeals and Penalties**

**§ 130-25. Appeals.**

Whenever any person is aggrieved by a decision of the Code Official regarding the provision(s) of this chapter, it is the right of that person to appeal to the Board of Appeals (also referred to as the "appeals authority"). Such appeal must be filed, in writing, within 30 days after the determination of the Code Official. Said application shall also be accompanied by a filing fee of \$100, payable to the City of Milford. Upon receipt of said appeal, the appeals authority shall set a time and place for such hearing of not less than 21 nor more than 40 days from the date of application. Notice of dates and location of said meeting shall be given to all parties, at which time they may appear and be heard. The determination of the appeals authority shall be final in all cases.

**§ 130-26. Appeal review criteria.**

All appeals contesting only the permit fee established by the Code Official may be handled at the discretion of the appeals authority. All decisions on appeals to all other provisions of this chapter shall adhere to the following criteria:

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<sup>1</sup> Editor's Note: The provisions of the 1987 BOCA Building Code have been replaced by those of the 1993 BOCA Building Code. See Ch. 88, Building Construction, of this Code.

- A. Affirmative decisions shall only be issued by the appeals authority upon a showing of good and sufficient cause, a determination that failure to grant the appeal would result in exceptional hardship to the applicant and a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- B. An affirmative decision shall be issued only upon a determination that it is the minimum necessary, considering the flood hazard, to afford relief.
- C. An affirmative decision may be issued for the repair or rehabilitation of historic structures only upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. The appeals authority shall notify the applicant, in writing, over the signature of a community official, that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance and such construction below the base flood elevation increases risk to life and property. Such notifications shall be maintained with a record of all decisions as required in Subsection E of this section.
- E. The appeals authority shall maintain a record of all decisions, including justification for their issuance, and report such decisions issued in its biennial report submitted to the Federal Insurance Administration.
- F. An affirmative decision shall not be granted for any construction, development, use or activity within any floodway area that would cause any increase in the base flood elevation.

#### **§ 130-27. Violations and penalties.<sup>2</sup>**

Any person who fails to comply with any or all of the requirements or provisions of this chapter or direction of the Code Official or any other authorized employee of the community shall be guilty of an offense and, upon conviction, shall pay a fine of not less than \$50 nor more than \$500 plus cost of prosecution. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of or noncompliance with this chapter shall not excuse the violation or noncompliance with this chapter or permit it to continue, and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the City of Milford to be a public nuisance and abatable as such.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



**FEMA**

**DEC 01 2014**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Carmean  
Milford City Manager  
201 South Walnut Street  
Milford, Delaware 19963

Dear Mr. Carmean:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Milford, Delaware, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on March 16, 2015; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated September 16, 2014, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Sussex County. Therefore, the City of Milford should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Milford will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Delaware Department of Natural Resources. You may contact Michael Powell, CFM, or Greg Williams, CFM, the NFIP State Coordinators, by telephone at (302) 739-9921, in writing at 89 Kings Highway, Dover, Delaware 19901, or by electronic mail at michael.powell@state.de.us or gregory.williams@state.de.us.

The FEMA Regional staff in Philadelphia, Pennsylvania, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Milford and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (215) 931-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance

Richard Carmean

**DEC 01 2014**

Page 2

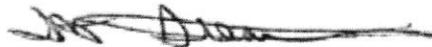
and Mitigation Division, FEMA Region III, at 615 Chestnut Street, One Independence Mall, Sixth Floor, Philadelphia, Pennsylvania 19106-4404.

The NFIP State Coordinating Office for your State has verified that Delaware communities may include language in their floodplain management measures that automatically adopt the most recently available flood elevation data provided by FEMA. Your community's floodplain management measures may already be sufficient if the measures include suitable automatic adoption language and are otherwise in accordance with the minimum requirements of the NFIP. The NFIP State Coordinator can assist you further in clarifying questions you may have about automatic adoption.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until March 16, 2015, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by March 16, 2015. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



David H. Stearrett, CFM, Chief  
Floodplain Management Branch  
Federal Insurance and Mitigation Administration

cc: MaryAnn Tierney, Regional Administrator, FEMA Region III  
Michael Powell, CFM, and Greg Williams, CFM, NFIP State Coordinators, Delaware  
Department of Natural Resources  
Christine Crouch, Executive Assistant and Deputy City Clerk, City of Milford

**From:** Donald T. Williams [<mailto:Dwilliams@milford-de.gov>]  
**Sent:** Wednesday, January 21, 2015 3:38 PM  
**To:** Rebecca C. Quinn  
**Subject:** Floodplain Ordinance - Chapter 130 - Final-Final

Rebecca,

Thank you so much for talking with us today. I have attached what I hope to be the Final-Final. As discussed, there are a few minor changes along with eliminating the Free Board of 18." Let me know if I missed anything.

*Don Williams*

Donald Williams  
Building Inspector, City of Milford  
[dwilliams@milford-de.gov](mailto:dwilliams@milford-de.gov)  
302.422.6616 ext. 176  
302.233.2274 (Cell)  
302.424-3559 (Fax)

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**From:** Rebecca C. Quinn [<mailto:rcquinn@earthlink.net>]  
**Sent:** Thursday, January 22, 2015 8:23 AM  
**To:** Donald T.. Williams  
**Subject:** Milford RE: Floodplain Ordinance - Chapter 130 - Final-Final

Couple of little things – and you're cleared for lift off!

Send me a scan of the executed ordinance and I'll prepare the approval package that DNREC sends to FEMA.

Rebecca C. Quinn, CFM  
RCQuinn Consulting, Inc.  
104 4th St NE #2  
Charlottesville VA 22902  
434-296-1349 (voice)  
443-398-5005 (cell)  
320-514-3513 (FAX)

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**From:** Donald T. Williams  
**Sent:** Thursday, January 22, 2015 8:38 AM  
**To:** Hans Medlarz; Richard D. Carmean; Terri Hudson  
**Subject:** FW: Milford RE: Floodplain Ordinance - Chapter 130 - Final-Final

Hans/Terri,  
Everything has been corrected and reviewed... (Minor changes done, Freeboard of 18" removed, and review has been completed).  
Have a great day.....

*Don Williams*

Donald Williams  
Building Inspector, City of Milford  
[dwilliams@milford-de.gov](mailto:dwilliams@milford-de.gov)  
302.422.6616 Ext 176  
302.424-3559 (Fax)

**ORDINANCE NO. 2014-16**  
**Chapter 130/Floodplain Management Code**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AMENDING THE CITY OF MILFORD CODE OF ORDINANCES TO REPEAL CHAPTER 130 FLOODPLAIN MANAGEMENT; TO ADOPT A NEW CHAPTER 130 FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT ADMINISTRATIVE PROCEDURES, AND TO ADOPT CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO PROVIDE FOR APPLICABILITY; REPEALER; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Milford has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Milford and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Milford was accepted for participation in the National Flood Insurance Program on June 1, 1977 and the City Council of the City of Milford desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

SECTION 1. This ordinance hereby repeals all provisions of Chapter 130 Floodplain Management of the Code of the City of Milford.

SECTION 2. Chapter 130 Floodplain Management, is hereby replaced with the language as follows:

**ARTICLE I - GENERAL PROVISIONS**

§ 130-1. Findings.

The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Milford. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and

general welfare. Development that is inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contributes to the flood loss.

The City of Milford, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on June 1, 1977. Subsequent to that date or the initial effective date of the City of Milford Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with the City of Milford's floodplain management regulations in effect at the time of construction, and all development, new construction, and substantial improvements subsequent to the effective date of these regulations shall be compliant with these regulations.

§ 130-2. Statement of Purpose.

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (A) Protect human life, health and welfare;
- (B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (C) Minimize flooding of water supply and sanitary sewage disposal systems;
- (D) Maintain natural drainage;
- (E) Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;
- (F) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (G) Minimize prolonged business interruptions;
- (H) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (I) Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;
- (J) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (K) Provide that the flood storage and conveyance functions of the floodplain are maintained;
- (L) Minimize the impact of development on the natural and beneficial functions of the floodplain;
- (M) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (N) Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

§ 130-3. Areas to Which These Regulations Apply.

These regulations shall apply to all special flood hazard areas within the jurisdiction of the City of Milford, as identified in § 130-4.

§ 130-4. Basis for Establishing Special Flood Hazard Areas.

For the purposes of these regulations, the following are adopted by reference as a part of these regulations and serve as the basis for establishing special flood hazard areas:

- (A) The FEMA Flood Insurance Study for Sussex County, Delaware and Incorporated Areas dated March 16, 2015 and all subsequent amendments and/or the most recent revision thereof.
- (B) The FEMA Flood Insurance Rate Map for Sussex County, Delaware and Incorporated Areas dated March 16, 2015, and all subsequent amendments and/or the most recent revision thereof.
- (C) Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to these regulations or for other purposes, and which establish base flood elevations, delineate 100-year floodplains, floodways or other areas of special flood hazard.
- (D) The City of Milford may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.
- (E) Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as special flood hazard area.

Maps and studies that establish special flood hazard areas are on file at 210 South Walnut Street, Milford, Delaware 19963.

§ 130-5. Abrogation and Greater Restrictions.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by these regulations.

§ 130-6. Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body;

- (C) Deemed neither to limit nor repeal any other powers granted under state statutes; and
- (D) Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence, where more restrictive.

§ 130-7. Warning and Disclaimer of Liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Milford, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

§ 130-8. Severability.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II - DEFINITIONS

§ 130-9. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Area of Shallow Flooding: A designated Zone AO on a community's Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 100-year flood (or the 1%-annual-chance flood).

Base Flood Discharge: The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base Flood Elevation: The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. In areas of shallow flooding, the base

flood elevation is the natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least 2 feet if the depth number is not specified.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Dry Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Elevation Certificate: The *National Flood Insurance Program, Elevation Certificate* (FEMA Form 086-0-33), used to document building elevations and other information about buildings. When required to be certified, the form shall be completed by a licensed professional land surveyor.

Enclosure Below the Lowest Floor: An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement.

Federal Emergency Management Agency (FEMA): The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FEMA Technical Bulletin: A series of guidance documents published by FEMA to provide guidance concerning building performance standards of the National Flood Insurance Program. See sections where specific TBs are identified.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, and to designate applicable flood zones.

Zone A: Special flood hazard areas inundated by the 1% annual chance flood; base flood elevations are not determined.

Zone AE: Special flood hazard areas subject to inundation by the 1% annual chance flood; base flood elevations are determined; floodways may or may not be determined.

Zone AO: Areas of shallow flooding, with or without a designated average flood depth.

Zone X (shaded): Areas subject to inundation by the 500-year flood (0.2% annual chance); areas subject to the 1% annual chance flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone X (unshaded): Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

Zone VE: Special flood hazard areas subject to inundation by the 1% annual chance flood and subject to high velocity wave action (also referred to as coastal high hazard areas).

Limit of Moderate Wave Action (LiMWA): The inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the Zone VE and the LiMWA will be similar to, but less severe than, those in the Zone VE.

Flood Insurance Study: The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

Floodplain: Any land area susceptible to being inundated by water from any source (see “Flood” or “Flooding”).

Floodproofing Certificate: The *National Flood Insurance Program, Floodproofing Certificate for Non-Residential Structures* (FEMA Form 86-0-34), used by registered professional engineers and architects to certify dry floodproofing designs.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood elevation for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

- (1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

Hydrologic and Hydraulic Engineering Analysis: An analysis performed by a professional engineer, licensed in the State of Delaware, in accordance with standard engineering practices as accepted by FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letter of Map Change: A Letter of Map Change is an official FEMA determination, by letter, to amend or revise an effective Flood Insurance Rate Map, Flood Boundary and Floodway Map, and Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for this determination, the fill must have been permitted and placed in accordance with these regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies; upon submission to and approval of certified as-built documentation, a Letter of Map Revision may be issued.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New Construction: Buildings and structures for which the "start of construction" commenced on or after June 1, 1977, including any subsequent improvements to such structures.

Person: An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Recreational Vehicle: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area: The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AO, and Zone VE. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in § 130-4.

Start of Construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (or Building): For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to

the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time that documentation is provided.

### ARTICLE III - ADMINISTRATION

#### § 130-10. Designation of the Floodplain Administrator.

The Building Inspector is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.as may be hereafter amended.

#### § 130-11. Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in special flood hazard areas.
- (B) Interpret floodplain boundaries and provide flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding.
- (D) Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.
- (E) Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship), and have submitted copies of such notifications to the Federal Emergency Management Agency.
- (F) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or disapprove the same in the event of noncompliance.
- (G) Inspect buildings and lands to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.

- (H) Review submitted Elevation Certificates for completeness.
- (I) Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for the City of Milford, corrections to labeling or planimetric details, etc.
- (J) Maintain and permanently keep all records for public inspection that are necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions taken for violations of these regulations.
- (K) Enforce the provisions of these regulations.
- (L) Assist with and coordinate flood hazard map maintenance activities.
- (M) Conduct determinations as to whether existing buildings and structures damaged by any cause and located in special flood hazard areas, have been substantially damaged.
- (N) Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.
- (O) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.
- (P) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Milford have been modified.

§ 130-12. Permits Required.

It shall be unlawful for any person or entity to begin construction or other development which is wholly within, partially within, or in contact with any identified special flood hazard area, as established in § 130-4, including but not limited to: subdivision of land, filling, grading, or other site improvements and utility installations; construction, alteration, remodeling, improvement, replacement, reconstruction, repair, relocation, or expansion of any building or structure; placement or replacement of a manufactured home; recreational vehicles; installation or replacement of storage tanks; or alteration of any watercourse, until a permit is obtained from the City of Milford. No such permit shall be issued until the requirements of these regulations have been met.

§ 130-13. Application Required.

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose.

(A) Application Contents.

At a minimum, applications shall include:

- (1) Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- (2) Elevation of the existing natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map, and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as “Construction Drawings”).
- (3) Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where surveyed natural ground elevations are lower than the base flood elevations, base flood elevations shall be used to delineate the boundary of special flood hazard areas. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with Section § 130-13(B). Where special flood hazard areas are not delineated or base flood elevations are not shown on the flood hazard maps, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from other sources, or to determine such information using accepted engineering practices.
- (4) For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as required by § 130-19(D).
- (5) Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with these regulations.
- (6) For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement, including:
  - (a) Documentation of the market value of the structure before the improvement is started or before the damage occurred.

- (b) Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.
- (7) Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by these regulations:
- (a) Floodproofing Certificate for dry floodproofed non-residential structures, as required in § 130-28.
  - (b) Certification that flood openings that do not meet the minimum requirements of § 130-27(B)(3)(b) are designed to automatically equalize hydrostatic flood forces.
  - (c) Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished and documentation of maintenance assurances as required in § 130-30(C).
  - (d) Hydrologic and hydraulic engineering analyses demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required by § 130-30(B).
  - (e) Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required by § 130-30(A).
  - (f) Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required by § 130-19(D) or otherwise required by the Floodplain Administrator.

**(B) Right to Submit New Technical Data.**

The applicant has the right to seek a Letter of Map Change and to submit new technical data to FEMA regarding base maps, topography, special flood hazard area boundaries, floodway boundaries, and base flood elevations. Such submissions shall be prepared in a format acceptable by FEMA and the Floodplain Administrator shall be notified of such submittal. Submittal requirements and processing fees shall be the responsibility of the applicant.

**(C) Requirement to Submit New Technical Data.**

The Floodplain Administrator shall notify FEMA of physical changes affecting flood hazard areas and flooding conditions by submitting technical or scientific data as soon as practicable, but not later than six (6) months after the date such information becomes available. The Floodplain Administrator has the authority to require applicants to submit technical data to FEMA for Letters of Map Change.

§ 130-14. Review, Approval or Disapproval.

(A) Review

The Floodplain Administrator shall:

- (1) Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information required to support the application.
- (2) Review applications for compliance with these regulations after all information required in § 130-13 or identified and required by the Floodplain Administrator has been received.
- (3) Review all permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including but not limited to:
  - (a) Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Delaware Environmental Protection Agency under Section 401 of the Clean Water Act.
  - (b) Permits required by the State of Delaware.

(B) Approval or Disapproval.

The Floodplain Administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain Administrator shall disapprove applications for proposed development that do not comply with the applicable provisions of these regulations and shall notify the applicant of such disapproval, in writing, stating the reasons for disapproval.

(C) Expiration of Permit.

A permit is valid provided the actual start of construction occurs within 180 days of the date of permit issuance. If the actual start of construction is not within 180 days of the date of permit issuance, requests for extensions shall be submitted in writing. Upon reviewing the request and the permit for continued compliance with these regulations, the Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§ 130-15. Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:

- (A) Stake-out inspection, to determine location on the site relative to the special flood hazard area and floodway.
- (B) Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.
- (C) Enclosure inspection, including crawlspaces, to determine compliance with applicable provisions.
- (D) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- (E) Storage of materials.

§ 130-16. Submissions Required Prior to Issuance of a Certificate of Occupancy.

The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to the issuance of a Certificate of Occupancy:

- (A) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as “Finished Construction”).
- (B) For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on “Finished Construction” (identified in Section II).
- (C) For all development activities subject to the requirements of § 130-13(B), a Letter of Map Revision shall be provided.

§ 130-17. Flood Insurance Rate Map Use and Interpretation.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of special flood hazard maps and data:

- (A) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used. When a Preliminary Flood Insurance Rate Map has been provided by FEMA to identify base flood elevation where such elevations were not previously shown, the base flood elevations on the Preliminary Flood Insurance Rate Map shall be used.
- (B) Special flood hazard area delineations, base flood elevations, and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood elevations, and floodway boundaries by any other source

that reflect a reduced special flood hazard area, reduced floodway width and/or lower base flood elevations.

- (C) Other sources of data shall be reasonably used, with the approval of the Floodplain Administrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies.
- (D) Where field surveyed topography indicates that ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood hazard map, the area shall be considered as special flood hazard area.

#### ARTICLE IV - REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS

##### § 130-18. Application of Requirements.

The general requirements of this section apply to all development proposed within special flood hazard areas identified in § 130-4.

##### § 130-19. Subdivisions and Developments.

- (A) All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- (B) All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (C) All subdivision and developments proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (D) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

##### § 130-20. Protection of Water Supply and Sanitary Sewage Systems.

- (A) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
- (C) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

§ 130-21. Buildings and Structures.

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall meet the following requirements.

- (A) Be designed (or modified) and constructed to safely resist flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation, including hydrodynamic and hydrostatic loads and the effects of buoyancy.
- (B) Be constructed by methods and practices that minimize flood damage.
- (C) Use flood damage-resistant materials below the elevation of the lowest floor. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*.
- (D) Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the base flood elevation. Electrical wiring systems are permitted to be located below the elevation of the lowest floor provided they conform to the provisions of the electrical part of this code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 – *Elevator Installation*.
- (E) As an alternative to § 130-21(D), electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood.
- (F) Meet the specific requirements of Article V.
- (G) In a special flood hazard area with more than one designation (Zones A, AE, and AO, floodway), meet the requirements of the most restrictive designation.

§ 130-22. Fill.

- (A) Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.
- (B) Where permitted by Article V (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the

following requirements:

- (1) Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's Office and/or the local fire services agency.
  - (2) Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.
  - (3) Consist of soil or rock materials only.
  - (4) Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator.
  - (5) Designed with provisions for adequate drainage and no adverse effect on adjacent properties.
- (C) Fill placed for a purpose other than to support a building or structure shall meet the requirements of § 130-22(B)(2) through (B)(5).

§ 130-23. Historic Structures.

Repair, alteration, or rehabilitation of historic structures shall be subject to the requirements of these regulations unless a determination is made that compliance with these regulations will preclude the structure's continued designation as a historic structure and a variance is granted in accordance with Article VI and such variance is the minimum necessary to preserve the historic character and design of the structure.

§ 130-24. Recreational Vehicles.

- (A) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.
- (B) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of § 130-27(C) for manufactured homes.

§ 130-25. Gas or Liquid Storage Tanks.

- (A) Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (B) Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (C) In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
  - (1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks

during conditions of the base flood.

- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

## ARTICLE V - SPECIFIC REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS

### § 130-26. General Requirements.

In addition to the general requirements of Article IV, the requirements of this section apply to all development proposed in special flood hazard areas.

### § 130-27. Residential Structures and Residential Portions of Mixed Use Structures.

#### (A) Elevation Requirements

- (1) The lowest floor (including basement) shall be elevated to or above the base flood elevation.
- (2) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map or at least 2 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.
- (3) Enclosures below the lowest floor shall meet the requirements of § 130-27(B).

#### (B) Enclosures Below the Lowest Floor

- (1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawlspaces, or limited storage.
- (2) Enclosures below the lowest floor shall be constructed using flood damage-resistant materials. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements*.
- (3) Enclosures below the lowest floor (including crawlspaces) shall be provided with flood openings which shall meet the following criteria (see FEMA Technical Bulletin #1 – *Openings in Foundation Walls and Walls of Enclosures*):
  - (a) There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the base flood elevation, each area shall have openings on exterior walls.
  - (b) The total net area of all openings shall be at least 1 square inch for each square foot of enclosed area, or the openings shall be designed and certified by a registered engineer or architect to provide for equalization of hydrostatic flood forces on exterior

walls by allowing for the automatic entry and exit of floodwaters.

- (c) The bottom of each opening shall be 1 foot or less above the adjacent ground level.
  - (d) Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.
  - (e) Where installed in doors and windows, openings that meet requirements of § 130-27(B)(3)(a) through (d), are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.
- (4) Crawlspace shall have the finished interior ground level equal to or higher than the outside finished ground level on at least one entire side of the foundation wall.

### (C) Manufactured Homes

New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:

- (1) Be elevated on a permanent, reinforced foundation that raises the lowest floor to or above the base flood elevation and is otherwise in accordance with § 130-27(A).
- (2) Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications.
- (3) Have enclosures below the elevated manufactured home, if any, meet the requirements of § 130-27(B).

For the purpose of this requirement, the lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member of the lowest floor.

## § 130-28. Nonresidential Structures and Nonresidential Portions of Mixed Use Structures.

### (A) Elevation Requirements

- (1) The lowest floor (including basement) shall be elevated to or above the base flood elevation or the structure shall be dry floodproofed in accordance with § 130-28(B).
- (2) In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map or at least 2 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.
- (3) Enclosures below the lowest floor, if not dry floodproofed, shall meet the requirements of § 130-27(B).

(B) Dry Floodproofing Requirements

Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map or at least 2 feet if a depth number is not specified.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a licensed professional engineer or licensed professional architect with a Floodproofing Certificate, that the design and methods of construction meet the requirements of this section. Refer to FEMA Technical Bulletin #3 – *Non-Residential Floodproofing – Requirements and Certification* for guidance.

§ 130-29. Accessory Structures.

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

- (A) Useable only for parking or limited storage;
- (B) Constructed with flood damage-resistant materials below the base flood elevation;
- (C) Constructed and placed to offer the minimum resistance to the flow of flood waters;
- (D) Firmly anchored to prevent flotation, collapse, and lateral movement;
- (E) Electrical service and mechanical equipment elevated to or above the level of the base flood elevation; and
- (F) Equipped with flood openings that meet the requirements of § 130-27(B).
- (G) For guidance, see FEMA Technical Bulletin #7 – *Wet Floodproofing Requirements*.

§ 130-30. Protection of Flood-Carrying Capacity.

(A) Development in Floodways

Within any floodway area designated on the Flood Insurance Rate Map, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data shall be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format

required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the activity:

- (1) Will not result in any increase in the base flood elevation; or
- (2) Will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:
  - (a) Submits technical data required in § 130-13(A)(8)(d);
  - (b) Evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
  - (c) Certifies that no structures are located in areas which would be impacted by the increased base flood elevation;
  - (d) Documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;
  - (e) Requests and receives concurrence of the Mayor of the City of Milford and the Chief Executive Officer of any other community impacted by the proposed actions; and
  - (f) Notifies the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship).

#### (B) Development in Areas with Base Flood Elevations but No Floodways

For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments will not increase the base flood elevation more than 1.0 (one) foot at any point.

#### (C) Deliberate Alterations of a Watercourse

For the purpose of these regulations, a watercourse is deliberately altered when a person causes a change to occur within its banks. Deliberate changes to a watercourse include, but are not limited to: widening, deepening or relocating of the channel; installation of

culverts; construction of bridges, and excavation or filling of the channel or watercourse banks.

For any proposed deliberate alteration of a watercourse, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed alteration of a watercourse may be permitted upon submission, by the applicant, of the following:

- (1) Documentation of compliance with § 130-30(A) if the alteration is in a floodway or § 130-30(B) if the alteration is in a watercourse with base flood elevations but no floodway.
- (2) A description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.
- (3) A certification by a licensed professional engineer that the bankful flood-carrying capacity of the watercourse will not be diminished.
- (4) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) have been notified of the proposal and evidence that such notifications have been submitted to the Federal Emergency Management Agency.
- (5) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Milford specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

## ARTICLE VI - VARIANCES

### § 130-31. Variances.

The City of Milford's Board of Adjustment shall have the power to authorize, in specific cases, such variances from the requirements of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

#### (A) Application for a Variance

- (1) Any owner, or agent thereof, of property for which a variance is sought

shall submit an application for a variance to the Floodplain Administrator.

- (2) At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in § 130-31(B) and the limitations and conditions of § 130-31(C).

#### (B) Considerations for Variances

In considering variance applications, the Board of Adjustment shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan for that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(C) Limitations for Variances

- (1) An affirmative decision on a variance request shall only be issued upon:
  - (a) A showing of good and sufficient cause. A “good and sufficient” cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
  - (b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
  - (c) Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
  - (d) A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
  - (e) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - (f) A determination that the structure or other development is protected by methods to minimize flood damages.
  - (g) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (2) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the Board of Adjustment may attach such conditions to variances as it deems necessary to further the purposes of these regulations.
- (3) The Board of Adjustment shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements of these regulations only, and that the cost of federal flood insurance will be commensurate with the increased risk.

ARTICLE VII - ENFORCEMENT

§ 130-32. Compliance Required.

- (A) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which

apply to uses within the jurisdiction of these regulations.

- (B) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with § 130-34.
- (C) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of these regulations.

§ 130-33. Notice of Violation.

Notices of violation shall be issued in accordance with the requirement of the Building Code Chapter 88.

§ 130-34. Violations and Penalties.

Violations and penalties shall be administered in accordance with the requirement of the Building Code Chapter 88.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Milford. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces Chapter 130, Floodplain Management.

SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the City Council of the City of Milford that the provisions of this ordinance shall become and be made a part of the City of Milford Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. DATES.

Introduction: November 10, 2014

Adoption: January 26, 2015

Effective: February 5, 2015

012315

## Chapter 88

### BUILDING CONSTRUCTION

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| <p style="text-align: center;">Article I</p> <p style="text-align: center;"><b>International Residential Code</b></p> <p>§ 88-1. Adoption of code.</p> <p>§ 88-2. Additions, insertions and changes.</p> <p style="text-align: center;">Article II</p> <p style="text-align: center;"><b>International Building Code</b></p> <p>§ 88-3. Adoption of code.</p> <p>§ 88-4. Additions, insertions and changes.</p> <p>§ 88-5. Reserved.</p> <p style="text-align: center;">Article III</p> <p style="text-align: center;"><b>Board of Appeals</b></p> <p>§ 88-6. General.</p> <p>§ 88-7. Limitations on authority.</p> | <p>§ 88-8. Membership of the board.</p> <p>§ 88-8.1. Alternate members.</p> <p>§ 88-8.2. Chairman.</p> <p>§ 88-8.3. Disqualification of member.</p> <p>§ 88-8.4. Secretary.</p> <p>§ 88-8.5. Compensation of members.</p> <p>§ 88-9. Application for appeal.</p> <p>§ 88-9.1. Hearing fee.</p> <p>§ 88-10. Notice of meeting.</p> <p>§ 88-11. Open hearing.</p> <p>§ 88-11.1. Procedure.</p> <p>§ 88-12. Postponed hearing.</p> <p>§ 88-13. Board decision.</p> <p>§ 88-13.1. Records and copies.</p> <p>§ 88-13.2. Administration.</p> <p>§ 88-14. Court review.</p> <p>§ 88-15. Stays of enforcement.</p> |
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[HISTORY: Adopted by the City Council of the City of Milford 10-22-2007 by Ord. No. 2007-10.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Floodplain management - See Ch. 130.  
Property maintenance - See Ch. 174.

Residential rental operating licenses - See Ch. 180.  
Zoning - See Ch. 230.

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<sup>1</sup> Editor's Note: This ordinance also repealed former Ch. 88, Building Construction, adopted 6-12-1995, as amended.

## ARTICLE I

**International Residential Code****§ 88-1. Adoption of code.**

A certain document, three copies of which are on file in the office of the Building Inspector of the City of Milford, being marked and designated as the International Residential Code, 2006 edition, including Appendix Chapters G and J (see International Residential Code Section 101.2.1, 2006 edition), as published by the International Code Council, is hereby adopted as the Residential Code of the City of Milford, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures are herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Building Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 88-2 of this chapter.

**§ 88-2. Additions, insertions and changes.**

The following sections or portions are hereby revised as follows:

## A. Chapter 1, Administration.

## (1) Section R105, Permits.

- (a) Section R105.2, Work exempt from permit, is deleted in its entirety.
- (b) Add: **R105.5.1. Time limitation of permit.** A permit for any activity for which a permit is required shall be valid for one year from the date of issuance.
- (c) Add: **R105.5.2. Completion of construction.** All construction for which a building permit is required must be completed and pass final inspection within one year after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of \$50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(2) Add: **R106.3.1, Approval of construction documents.** Construction documents shall be approved, in writing or by a stamp which states "Approved plans per IRC section R106.3.1."

## (3) Section R108, Fees.

- (a) Add: **R108.2.1. Fee schedule.** A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council.

- (b) Add: **R108.6. Work commencing before permit.** Any person who commences any work on a building, structure, gas or mechanical system before obtaining the necessary permits shall be subject to an additional fee established by the building official that shall be in addition to the required permit fees.
- (c) Add: **R108.6.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be \$100 plus the permit fee or double the normal permit fee, whichever is less.

(4) Section R112, Board of Appeals.

Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

(5) Add: **R113.4. Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than \$500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

(6) Add: **R114.3. Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than \$500.

(7) Add: **10.9.1.5.3. Waterproofing inspection.** A waterproofing inspection will be required for all dwelling units with basements. The inspection will be required before the basement walls are backfilled.

B. Chapter 2, Definitions. Adopt without changes.

C. Chapter 3, Building Planning.

(1) Add: TABLE R301.2(1)

Climatic And Geographic Design Criteria

Ground Snow Load	Wind Speed d (mph)	Seismic Design Category	Subject To Damage From			Winter Design Temp e	Ice Barrier Underlay-ment Required	Flood Hazards g	Air Freezing Index i	Mean Annual Temp j
			Weathering	Frost Line Depth b	Termite					
25	100	A	SEVERE	24 INCHES	MOD-HEAVY	14	NO	ADOPTED: 07/14/78 CURRENT: 01/06/05	368	55.71°

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weather column shall be filled in with the weathering index (i.e., "negligible," "moderate," or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C34, C44, C62, C73, C90, C129, C145, C216, or C652.
- b. The frost line depth may require deeper footings than indicated on Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
  - e. The outdoor design dry-bulb temperature shall be selected from the columns of 97:1/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
  - f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
  - g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
  - h. In accordance with Sections R905.2.7.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO".
  - i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32 degree Fahrenheit)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
  - j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32 degree Fahrenheit)" at [www.ncdc.noaa.gov/fosf.html](http://www.ncdc.noaa.gov/fosf.html).
- (2) Section R311, Means of Egress. Add the following:
- (a) **R311.4.1. Exit door required.** Not less than two exit doors conforming to this section shall be provided for each single-family detached dwelling unit. The required exit door shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to the habitable levels not having an exit in accordance with this section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5.
  - (b) **R.311.4.3.1. Landings at exit doors.** There shall be a floor or landing on each side of each exit door. The width of each landing shall not be less than the width of the door(s) served. If sliding glass or French doors are installed, the landing width should include the width of both doors (regardless if one panel is fixed or not). The minimum size of each landing shall not be less than 36 inches by 36 inches. Exception: Where; a stairway of two or fewer risers is located on the exterior side of a door, a landing is not required for the exterior side of the door.

- (c) **R311.5.1.1, Stairways required.** All exit doors should be served by a stairway (steps). Stairways shall not be less than 36 inches in clear width.

D. Chapter 4, Foundations.

- (1) Add: **R403.1.1.1. Minimum footing sizes.** Minimum thickness of a footing shall be the nominal width of the wall, but not less than eight inches. The nominal width of the footings shall be twice the nominal thickness of the wall. Two-story sections of a building shall have a minimum footing width of 24 inches and a minimum footing depth of 10 inches. Pier and column footings shall be 24 inches by 24 inches by twelve-inch concrete.

Exceptions:

-Footing for single-story decks with four-by-four posts shall be a minimum of eight inches in diameter; footings for single-story decks with six-by-six posts shall be a minimum of 12 inches in diameter, and all footings shall extend 24 inches below grade and shall have eight inches of concrete to support each post.

-Footings for pole buildings shall be three times the nominal width of the vertical support member in width, and shall extend 36 inches below grade and have eight inches of concrete to support each post.

-Decks having vertical members spaced six feet on center may be placed on a four-inch concrete pad, provided the vertical members are placed one foot inside the perimeter of the pad and are anchored on four corners with approved anchoring devices.

-Residential accessory structures 300 square feet in area or less, with the exception of a pole building and garage, shall be leveled and secured with tie-downs or equivalent manufactured home fastening devices, one on each corner. Structures 20 feet or more in length shall have two additional anchors installed, one on each side mid-span. All lumber in contact with ground shall be pressure treated.

-Prefabricated room enclosures are to be placed on an approved support system of foundation per the manufacturer's installation instructions.

-A garage and/or similar structures containing rooms above grade or slab shall be considered a single story in terms of footing design. Additional floors with weight bearing on exterior walls shall have the footing design for two-story structures.

- (2) Add R403.4. **Footing reinforcement.** Footings shall be reinforced with a minimum of two #4 rebar wired together with a minimum fifteen inch overlap. Column footings shall be reinforced with three pieces of #4 rebar wired together in two directions.
- (3) Section R404, Foundation and Retaining Walls.

**R404.1. Concrete and masonry foundation walls.** Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of this section or in accordance with ACI318, NCMA TR68-A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318 or ACI 530/ASCE 5/TMS 402 or the provisions of this section are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

- (4) Table R404.1(1): Delete in its entirety.
- (5) Table R404.1(2): Delete in its entirety.
- (6) Table R404.1(3): Delete in its entirety.
- (7) TABLE R404.1.1(1): Replace with the following:

Plain Concrete And Plain Masonry Foundation Walls								
Maximum Wall Height (feet)	Maximum Unbalanced Backfill Height (feet)	Plain Concrete Minimum Nominal Wall Thickness (inches)			Plain Masonry Minimum Nominal Wall Thickness (inches)			
		GW, GP, SW and SP	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and Inorganic CL	Soil classes	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and Inorganic CL	
5	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8	6 solid(d) or 8 8	6 solid(d) or 8 10	6 solid(d) or 8 10
	5	6	6	6				
6	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8 8	6 solid(d) or 8 8 10	6 solid(d) or 8 10 12	6 solid(d) or 8 10 12
	5	6	6	6				
	6	6	8g	8g				
7	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8 10 12	8 10 12 10 solid(d)	8 10 10 solid(d) 12 solid(d)	8 10 10 solid(d) 12 solid(d)
	5	6	6	8g				
	6	6	8	8				
	7	8	8	10				
8	4	6	6	6	6 solid(d) or 8 6 solid(d) or 8 10 12 solid(d) 10 solid(d)	6 solid(d) or 8 10 12 12 solid(d) 12 solid	8 12 12 solid(d) Footnote e Footnote e	8 12 12 solid(d) Footnote e Footnote e
	5	6	6	8				
	6	8g	8	10				
	7	8	10	10				
	10	10	10	12				
9	4	6	6	6	6 solid(d) or 8 or 8 10 10 12 12 solid(d) Footnote e	6 solid(d) or 8 10 12 12 solid(d) Footnote e Footnote e	8 12 12 solid(d) Footnote e Footnote e	8 12 12 solid(d) Footnote e Footnote e
	5	6	8g	8				
	6	8	8	10				
	7	8	10	10				
	8	10	10	12				
	9	10	10	12				
	Footnote f							

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square inch = 6.895 Pa.

- a. Mortar shall be Type M or S and masonry shall be laid in running bond. UngROUTED hollow masonry units are permitted except where otherwise indicated.
- b. Soil classes are in accordance with Unified Soil Classification System. Refer to Table R405.1.
- c. Unbalanced backfill height is the difference in height between the exterior finish ground level and the lower of the top of the concrete footing that supports the foundation wall or the interior finished ground level. Where an interior concrete slab-on-grade is provided and is in contact with the interior surface of the foundation wall, measurement of the unbalanced backfill height from the exterior finish ground level to the top of the interior concrete slab is permitted.
- d. Solid grouted hollow units or solid masonry units.
- e. Wall construction shall be in accordance with Table R404.1.1(2) or a design shall be provided.
- f. A design is required.
- g. Thickness may be 6 inches, provided minimum specified compressive strength of concrete,  $f_c$ , is 4,000 psi.

- E. Chapter 5, Floors. Adopt without changes.
- F. Chapter 6, Wall Construction. Adopt without changes.
- G. Chapter 7, Wall Covering. Adopt without changes or additions.
- H. Chapter 8, Roof-Ceiling Construction. Adopt without changes.
- I. Chapter 9, Roof Assemblies. Adopt without changes.
- J. Chapter 10, Chimneys and Fireplaces. Adopt without changes.
- K. Chapter 11, Energy Efficiency. Adopt without changes.
- L. Chapter 12, Mechanical Administration. Adopt without changes.
- M. Chapter 13, General Mechanical System Requirements. Adopt without changes.
- N. Chapter 14, Heating and Cooling Equipment. Adopt without changes.
- O. Chapter 15, Exhaust Systems. Adopt without changes.
- P. Chapter 16, Duct Systems. Adopt without changes.
- Q. Chapter 17, Combustion Air. Adopt without changes.
- R. Chapter 18, Chimneys and Vents. Adopt without changes.
- S. Chapter 19, Special Fuel-Burning Equipment. Adopt without changes.
- T. Chapter 20, Boilers and Water Heaters. Adopt without changes.
- U. Chapter 21, Hydronic Piping. Adopt without changes.
- V. Chapter 22, Special Piping and Storage Systems. Adopt without changes.
- W. Chapter 23, Solar Systems. Adopt without changes.
- X. Chapter 24, Fuel Gas. Adopt without changes.

Y. PART VII, Plumbing. Delete in its entirety. Refer to current adopted State Plumbing Code.

- (1) Chapter 25, Plumbing Administration. Delete in its entirety.
- (2) Chapter 26, General Plumbing Requirements. Delete in its entirety.
- (3) Chapter 27, Plumbing Fixtures. Delete in its entirety.
- (4) Chapter 28, Water Heaters. Delete in its entirety.
- (5) Chapter 29, Water Supply and Distribution. Delete in its entirety.
- (6) Chapter 30, Sanitary Drainage. Delete in its entirety.
- (7) Chapter 31, Vents. Delete in its entirety.
- (8) Chapter 32, Traps. Delete in its entirety.

Z. Part III, Electrical. Delete in its entirety. Refer to current adopted State Electrical Code.

- (1) Chapter 33, General Requirements. Delete in its entirety.
- (2) Chapter 34, Electrical Definitions. Delete in its entirety.
- (3) Chapter 35, Services. Delete in its entirety.
- (4) Chapter 36, Branch Circuit and Feeder Requirements. Delete in its entirety.
- (5) Chapter 37, Wiring Methods. Delete in its entirety.
- (6) Chapter 38, Power and Lighting Distribution. Delete in its entirety.
- (7) Chapter 39, Devices and Luminaires. Delete in its entirety.
- (8) Chapter 40, Appliance Installation. Delete in its entirety.
- (9) Chapter 41, Swimming Pools. Use as a reference only. Inspections shall be conducted by a third-party agency under the current state-adopted code.
- (10) Chapter 42, Class 2 Remote-Control Signaling and Power-Limited Circuits. Delete in its entirety.

AA. Part IX, Referenced Standards.

- (1) Chapter 43, Referenced Standards. Adopt without changes.

BB. Appendices.

- (1) Appendix G, Swimming Pools, Spas, and Hot Tubs. Adopt without changes.
- (2) Appendix J, Existing Buildings and Structures. Adopt without changes.  
[Ord. No. 2011-22, §§ 1, 2, 9-26-2011]

## ARTICLE II

**International Building Code****§ 88-3. Adoption of code.**

A certain document, three copies of which are on file in the office of the Building Inspector of the City of Milford, being marked and designated as the International Building Code, 2006 edition, as published by the International Code Council, is hereby adopted as the Building Code of the City of Milford, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures are herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Building Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 88-4 of this chapter.

**§ 88-4. Additions, insertions and changes.**

The following sections or portions are hereby revised as follows:

## A. Chapter 1, Administration.

- (1) Add: **101.1. Title.** These regulations shall be known as the Building Code of the City of Milford, hereinafter referred to as "this code."
- (2) Section 105, Permits.
  - (a) Section 105.2, Work exempt from permit, is deleted in its entirety.
  - (b) Add: **105.5.1. Time limitation of permit.** A permit for any activity for which a permit is required shall be valid for two years from the date of issuance.
  - (c) Add: **105.5.2. Completion of construction.** All construction for which a building permit is required must be completed and pass final inspection within two years after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of \$50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.
- (3) Change: **106.1 Submittal Documents.** Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design

professional. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

[Added 8-25-2008 by Ord. No. 2008-16]

Exception: The building official is authorized to waive the requirement that construction documents be prepared by a registered design professional if, in the opinion of the building official, with confirmation from the City Manager, the nature of the work is minor and the waiver of said requirement will not be detrimental to the intent of this code.

(4) Section 108, Fees.

- (a) Add: **108.2.1. Fee Schedule.** A fee for each plan examination, building permit and inspection(s) shall be fixed, from time to time, by City Council.
- (b) Add: **108.4.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be \$100 plus the permit fee or double the normal permit fee, whichever is less.

(5) Section 112, Board of Appeals.

Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

- (6) Add: **113.4. Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than \$500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.
- (7) Add: **114.3. Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than \$500.
- (8) Add: **115.5. Restoration.** A building or structure condemned by the Code Enforcement Official is permitted to be restored to a safe and fully code compliant condition, provided that said restoration or repairs do not exceed 50% of the value of said building or structure as determined by the assessment given by the City for tax purposes. This valuation figure shall be exclusive of foundations. Said repairs shall be made to comply, in all respects, with the requirements for materials and methods of construction of structures hereafter erected. To the extent that the repairs, alterations or additions are

made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

(9) Add: **Section 116, Licensed Contractors.**

**116.1. Contractors license.** All contractors shall be in possession of a current City of Milford contractors license.

- B. Chapter 2, Definitions. Adopt without changes.
- C. Chapter 3, Use and Occupancy Classification. Adopt without changes.
- D. Chapter 4, Special Detailed Requirements Based on Use and Occupancy. Adopt without changes.
- E. Chapter 5, General Building Heights and Areas.
  - (1) Section 503, General Height and Area Limitations. Add:
    - 503.1.1. Height and Zoning Code.** Building height shall not be in conflict with any of the provisions contained in the Code of the City of Milford, Chapter 230, Zoning.
- F. Chapter 6, Types of Construction. Adopt without changes.
- G. Chapter 7, Fire Resistance-Rated Construction. Adopt without changes.
- H. Chapter 8, Interior Finishes. Adopt without changes.
- I. Chapter 9, Fire Protection Systems. Adopt without changes.
- J. Chapter 10, Means of Egress. Adopt without changes.
- K. Chapter 11, Accessibility. Adopt without changes.
- L. Chapter 12, Interior Environment. Adopt without changes.
- M. Chapter 13, Energy Efficiency. Adopt without changes.
- N. Chapter 14, Exterior Walls. Adopt without changes.
- O. Chapter 15, Roof Assemblies and Rooftop Structures. Adopt without changes.
- P. Chapter 16, Structural Design.

**161.2.3. Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, acres of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Milford," dated June 16, 1995, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map

(FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

- Q. Chapter 17, Structural Tests and Special Inspections. Adopt without changes.
- R. Chapter 18, Soils and Foundations. Adopt without changes.
- S. Chapter 19, Concrete. Adopt without changes.
- T. Chapter 20, Aluminum. Adopt without changes.
- U. Chapter 21, Masonry. Adopt without changes.
- V. Chapter 22, Steel. Adopt without changes.
- W. Chapter 23, Wood. Adopt without changes.
- X. Chapter 24, Glass and Glazing. Adopt without changes.
- Y. Chapter 25, Gypsum Board and Plaster. Adopt without changes.
- Z. Chapter 26, Plastic. Adopt without changes.
- AA. Chapter 27, Electrical. Adopt without changes.
- BB. Chapter 28, Mechanical Systems. Adopt without changes.
- CC. Chapter 29, Plumbing Systems. Adopt without changes.
- DD. Chapter 30, Elevators and Conveying Systems. Adopt without changes.
- EE. Chapter 31, Special Construction. Adopt without changes.
- FF. Chapter 32, Encroachments into the Public Right-of-Way. Adopt without changes.
- GG. Chapter 33, Safeguards During Construction. Adopt without changes.
- HH. Chapter 34, Existing Structures. Add: **Section 3410.2 Applicability.** Structures existing prior to June 12, 1995, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

[Ord. No. 2011-22, §§ 3, 4, 9-26-2011]

**§ 88-5. Reserved.****ARTICLE III  
Board of Appeals****§ 88-6. General.**

In order to hear and decide appeals of orders, decisions, or determinations made by the building or code official relative to the application and interpretation of the code, there shall be and is hereby created a board of appeals.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-7. Limitations on authority.**

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8. Membership of the board.**

The Board of Appeals shall consist of three members: the City Manager or his designate, a design professional (architect or engineer), and a representative of the contracting industry. The City Manager or his designate will be a standing member of the Board of Appeals. City Council shall appoint the design professional and the representative from the contracting industry. The initial term of the design professional shall be two years and the initial term of the representative of the contracting industry shall be for one year. The term of all subsequent appointments shall be two years.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.1. Alternate members.**

City Council shall appoint an individual of its choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.2. Chairman.**

The Board shall annually select one of its members to serve as chairman.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.3. Disqualification of member.**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.4. Secretary.**

The City Manager shall designate a qualified clerk or staff as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the office of the City Clerk. Secretary shall have no right to vote on matters coming before the board.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-8.5. Compensation of members.**

Compensation of members shall be determined by ordinance of City Council.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-9. Application for appeal.**

Any person directly affected by a decision of the Code Official or an notice or order issued under this code shall have the right to appeal a decision of the Code Enforcement and/or Building Official to the Board of Appeals provided the application is filed within 20 days of the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not apply or that an equivalent form of construction is to be used.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-9.1. Hearing fee.**

The following fee schedule shall apply for hearings of the Board of Appeals:

International Residential Code: \$ 300.00

International Building Code: \$1,000.00

International Property Maintenance Code: \$ 300.00

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-10. Notice of meeting.**

The Board shall meet upon notice from the Chairman. The meeting date and time shall be scheduled in accordance with the state guidelines for public hearings. Surrounding property owners within 200 feet of the property or building in question shall be notified by mail.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-11. Open hearing.**

All hearings before the Board shall be open to the public. The appellant's representative, the Code Official and any other person or persons that may be deemed necessary as witnesses and all other persons whose interests are affected shall be given an opportunity to be heard.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-11.1. Procedure.**

The hearing shall address only those issues or items that may be deemed relevant to the case being heard. The Board shall adopt and publish, for public information, the procedures under which the hearing will be conducted.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-12. Postponed hearing.**

When there are fewer than two members of the Board available and the authorized or appointed alternate is unavailable, notification shall be given to the interested parties.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-13. Board decision.**

The Board shall affirm, modify or reverse the decision of the Code Official by means of a simple majority.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-13.1. Records and copies.**

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the appropriate Building or Code Official.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-13.2. Administration.**

The appropriate Building or Code Official shall take immediate action in accordance with the decision of the Board.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-14. Court review.**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the Superior Court of the State of Delaware in the applicable county for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law, following the filing of the Board's decision in the Office of the City Clerk.

[Ord. No. 2011-22, § 5, 9-26-2011]

**§ 88-15. Stays of enforcement.**

Appeals of notices and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is complete or the stay is lifted by the Superior Court.

**[Ord. No. 2011-22, § 5, 9-26-2011]**

Ordinance 2014-17  
Chapter 88/Building Construction

WHEREAS, the City of Milford deems it necessary to regulate and govern the conditions and maintenance of all property, buildings and structures; and

WHEREAS, the City stipulates the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, the City requires the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures are herein provided; and

WHEREAS, the City calls for the issuance of permits and collection of fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 88 entitled Building Construction.

*Section 2. Article 1-International Residential Code, 88-2.-Additions, Insertions and Changes is hereby amended as follows:*

*C. Chapter 3 Building Planning*

(1) TABLE R301.2(1)

**Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Speed d (mph)	Seismic Design Category	Subject To Damage From			Winter Design Temp e	Ice Barrier Underlayment Required	Flood Hazards g	Air Freezing Index i	Mean Annual Temp j
			Weathering	Frost Line Depth b	Termite					
<a href="#">25</a>	<a href="#">100</a>	A	SEVERE	<a href="#">24</a> INCHES	MOD-HEAVY	<a href="#">14</a>	NO	ADOPTED: 07/14/78 CURRENT: 01/06/05 <b>See Chapter 130 Floodplain Management</b>	368	55.7F

*Section 3. Article II-International Building Code, 88-4.-Additions, Insertions and Changes is hereby amended as follows:*

P. [Chapter 16](#), Structural Design.

~~161.2.3~~ **1612.3. Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, acres of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Milford," dated June 16, 1995, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map

(FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

**Flood hazard areas are established by Chapter 130, Floodplain Management.**

*Section 4. Dates.*

Introduction 11-10-2014

Adoption (Projected) 12-08-2014

**From:** Sara Pletcher [mailto:sara@downtownmilford.org]  
**Sent:** Thursday, January 22, 2015 1:50 PM  
**To:** Terri Hudson  
**Cc:** patsparks@comcast.net  
**Subject:** 3rd Letter to Council

Terri,

Attached is another request for Council for Monday's agenda.

I haven't approached ABC yet. I will do that with the application once it's approved by Council and signed.

Let know if you have any questions.

Thanks!  
Sara

--

Sara M. Pletcher  
Brewgrass Committee Chair  
302.519.6767  
[Brewgrass Festival](#)  
[Downtown Milford, Inc.](#)

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. An Ordinance to Amend Article II-Parks and Recreational Rental Rules and Regulations-of the Parks and Recreation Code of the City of Milford by adding an exception to the alcohol prohibition.

Section 2. §2.03(d) is hereby amended by adding (1)(a) thru (1)(j) as stated below:

(d) No alcoholic beverages permitted. Refer to Chapter 77 of the City of Milford Code.

(1) Exception and Regulations.

- (a) Alcoholic beverages may be sold and consumed at special events in parks only upon City Council approval of the written request to the City of Milford and receipt of the applicable permit from the State of Delaware Alcoholic Beverage Control Commission.
- (b) The point of sale and consumption must be within a confined and designated service area with identified entrance/exit and barriers, low fencing, chains and stanchions or similar materials that will serve to define the area and restrict access.
- (c) No alcohol may be taken outside the confined service area and is strictly prohibited on city streets and sidewalks beyond the boundaries of the designated area as posted by the event organizer.
- (d) The event organizer is required to provide event identification to those persons twenty-one years of age or older who intend to purchase and consume alcohol at the special event in the park.
- (e) Underage persons may be present in the confined service area if accompanied by a responsible adult
- (f) The Parks and Recreation Director will conduct an on-site inspection prior to the start of the event to ensure compliance with Article II of this code.
- (g) Persons may only possess and consume alcohol made available at the event. No alcoholic beverages may be brought into the event.
- (h) For safety reasons, all alcohol beverages must be served and consumed in plastic or paper cups or non-breakable containers.
- (i) The event organizer must provide temporary or portable toilets. Such number will be determined by the Parks and Recreation Director whose decision will be based on the proposed number of attendees. Such temporary or portable toilets must be removed from the event site within twenty-four hours after the conclusion of the event for which the permit was granted.
- (j) A security deposit, as determined by the Parks and Recreation Director and based on the anticipated number of participants, shall be paid at the time the organizer enters into an agreement for the use of the park. Security deposit will be refunded only if the area is left in good and undamaged condition and free of litter after a determination by the Parks and Recreation Director. Security deposit shall be forfeited for repair or maintenance time to clean up the area. The security deposit is a separate payment than the rental fee. Refer to 2.03(c)

Effective 12/18/2014



January 22, 2015

Milford City Council  
201 S. Walnut St.  
Milford, DE 19963

Dear Council Members:

Thank you for approving the new Downtown Milford, Inc. Brewgrass Festival to be held in Bicentennial Park and for extending the hours to 6pm. I apologize for coming back and asking for one more change; however, after walking the Park it became apparent that there could be a potential space issue with bands, beer tents, food vendors, and 500 people. I'm writing to ask if the Brewgrass Festival could expand its borders to include Memorial Park as well as Bicentennial Park. This will not only allow for more space, but also showcase Milford's greatest asset – the Mispillion River. By crossing the river, attendees will have a beautiful view of what Milford has to offer.

For your information: we will follow the ordinance regulations and fence in designated areas on both sides of the river. An included map shows the areas we'd like to include for the Festival. If approved, we'd also like Council to consider allowing an entrance on both sides of the River – one in Memorial Park and one in Bicentennial Park. Security and wristbands to identify full paying customers versus designated drivers will be provided at both entrances.

I have shared the attached maps with Brad Dennehy and Gary Emory of Parks and Recreation. Both have no concerns with using Memorial Park in addition to Bicentennial Park.

Enclosed is our application for a Memorial Park group gathering license. Please sign and return to the email below when Council has approved our request. If you have any questions regarding this event, please contact me at 302.519.6767 or [sara@downtownmilford.org](mailto:sara@downtownmilford.org).

Thank you again for your consideration,

*Sara M. Pletcher*

Sara M. Pletcher  
Brewgrass Festival Chair  
DMI Promotions Committee Member







7. I agree to sell the alcoholic beverages for consumption on the premises where sold only except that it is permissible for me to sell up to 10 gallons for off premise consumption by way of a raffle or auction, live or silent.
8. It is understood that alcoholic beverages remaining on the premise that are not opened, may be returned to the licensed wholesaler or retailer from which they were purchased or donated, within 30 days of the date of the gathering.
9. I submit \_\_\_\_\_ dollars in payment of full license fee at the rate of \$5.00 for one or two days, and \$2.00 per day for each day thereafter, Sundays and Holidays as defined in Title 4 Section 709, require an additional \$5.00.

\_\_\_\_\_  
 (Signature of Applicant) (Title) ( ) - (Phone Number)

I understand, and approve, that the above applicant is making application for a license from the Office of the Alcoholic Beverage Control Commissioner to store alcoholic liquor for resale and consumption on the premises and limited off-premises consumption, during the above scheduled event located at:

\_\_\_\_\_  
 (Complete Address for Event) (Date(s) of Event)

\_\_\_\_\_  
 (Hours of Operation)

\_\_\_\_\_  
 (Signature of Owner of Hall/Home, Landlord or Rental Agent) (Title) ( ) - (Phone Number)

\_\_\_\_\_  
 (Alternate Contact Person) ( ) - (Phone Number)

**PLEASE COMPLY WITH THE FOLLOWING REQUIREMENTS:**

1. Organizations (other than #2 below) must submit current IRS Tax Form 990, or IRS Department of Treasury letter granting an exemption from federal income tax under Section 501(c)(3)
2. If a candidate, political organization, or party, you must submit proof of current registration with the Delaware Department of Elections.
3. The applicant must submit a floor plan of the area to be licensed. The floor plan must include all seating, bar area, entertainment and liquor storage
4. The completed application along with the proof of non-profit status, floor plan and the appropriate fee, must be **submitted no less than ten (10) days** prior to the date of the event. Timely submission will allow sufficient time for consideration by the OABC Commissioner.



330 Rebooth Avenue  
Rehoboth Beach, DE 19971  
T 302.227.6767 888.734.7399  
F 302.227.6349  
OASothebysRealty.com

January 15, 2015

City of Milford  
Department of Public Works  
180 Vickers Drive  
Milford, DE 19963

Attn: Mr. Brad Dennehy -Public Works Director  
Mr. Hans Medlarz – City Manager

Re: **Fork Landing Community** – 4-8 Cedar Beach Road – Milford, DE

Dear Brad:

On behalf of Fork Landing, LLC, the Developer of Fork Landing community, we respectfully request that the City of Milford grant ***Conditional Acceptance*** of the water distribution system, sewer system, sewer pumping station and all public streets in the community known as *Fork Landing*, including Camberly Way, Drummond Drive and Knotts Court.

All street signs were installed including the final signs on Drummond Drive as listed on your last punch-list.

We have completed a list of repairs to valve boxes and items submitted to us by your office. Peninsula Paving Co. has repaired the erosion problem that was evident on Knotts Court. A concrete curb was installed along the eastern boundary of the property to guide storm water into the proper catch-basin.

Thanks for your cooperation. We will wait to hear from your office regarding the ***Conditional Acceptance*** for this project.

Cordially,

Dave Kenton-  
Fork Landing, LLC – President

DWK/dwk/



PUBLIC WORKS DEPARTMENT  
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE  
MILFORD, DE 19963

## MEMO

TO: Hans Medlarz  
City Manager

FR: Brad Dennehy  
Director of Parks and Recreation (acting as former Public Works Director)

DA: 01.20.15

RE: Fork Landing Community request for Conditional acceptance

Hans,

Please see attached letter from the Developer of the Fork Landing community requesting **Conditional Acceptance** by the City of Milford. At this time the developer is formally requesting the City of Milford grant acceptance of the water and sewer systems (including sewer pump station) and the roadways as listed.

The water and sewer systems have been operational for some time, and were inspected and approved at time of **Beneficial Occupancy**. Over the past 12 months the final paving has been installed and approved by the Street's Department Superintendent, Mr. Tim Webb. As of last week, the Public Works Departments have completed final walk through inspections of the development and have concluded that the remainder of the punch list items have been completed to the approved plans on record.

In accordance with section 6.6.B4 of the Developers agreement, dated July 14, 2010, acting as Public Works Director, it is my recommendation to both you and City Council to grant **Conditional Acceptance** to the Fork Landing community for the above mentioned requested items, via formal Council action.

By granting **Conditional Acceptance** the Developer will be able to reduce their construction bond to a maintenance bond for a period of one year, and the City of Milford will assume responsibility for the maintenance of the above mentioned utilities and roadways (including snow removal). After a period of one year in accordance with the developer's agreement, a final inspection must be scheduled and performed by the Public Works Departments. If the final inspection is satisfactory the developer will have to formally request **Final Acceptance** at which time the balance of the maintenance bond can be reduced.



PUBLIC WORKS DEPARTMENT  
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE  
MILFORD, DE 19963

The only other item which I would bring to your attention at the Fork Landing Community, are the sidewalks which are not City maintained and are not part of the **Conditional Acceptance**. It has been standard practice for the sidewalks to be installed at each lot as a house is completed, therefore all houses which have been built have a sidewalk installed and the Development is slated to have sidewalks.

Please have the City Clerk put this item on the next Council agenda for formal action.

If you require any further information, please do not hesitate to contact me.

Thank you.

Brad Dennehy  
Director of Parks and Recreation (acting as former Public Works Director).

# City of Milford



## Resolution

2015-01

### ACCEPTING PUBLIC IMPROVEMENTS FOR FORK LANDING SUBDIVISION

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by resolution of City Council; and

WHEREAS, Former Public Works Director Brad Dennehy has determined that all required improvement for the Fork Landing Subdivision have been completed;

WHEREAS, The Fork Landing Subdivision has provided the City of Milford with a maintenance bond for the public improvements and public utilities guarantying the improvements for one year from the date of acceptance of the improvements; and

WHEREAS, the water distribution system, sewer system, sewer pumping station and all public streets in the subdivision known as Fork Landing, including Camberly Way, Drummond Drive and Knotts Court are dedicated for public use, as shown on the final map for Fork Landing Subdivision; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford during a regular session of Council, by a favorable majority vote, accepts the water distribution system, sewer system, sewer pumping station and all public streets and easements in the Fork Landing Subdivision that are to be dedicated for public use into the City of Milford's street system and public utility system;

BE IT FURTHER RESOLVED, that the City of Milford assume responsibility for the future maintenance and repair of all streets, easements and public utility systems in Fork Landing Subdivision as noted in this resolution.

---

Mayor Bryan W. Shupe

Attest: \_\_\_\_\_  
City Clerk Teresa K. Hudson

Adopted: January 26, 2015

*Approval/SE Front Street Improvements Project/Additional Sidewalk Installation*

The overall Southeast Front Street Improvement Project should have included the property located on 300 Southeast Front Street. Since it is sitting back and has a challenging old brick sidewalk, it was deferred for later consideration.

The Street Superintendent Tim Webb and I have worked with Shea Concrete LTD to create a joint project and complete the previously anticipated scope. The finance director indicated budgeted funds are available under the Municipal Street Aid portion of the overall funding package.

The finance director and city manager request council approval.



# SHEA CONCRETE LTD.

P.O. Box 264 • Milford, DE 19963  
302-422-7221 • FAX 302-422-1261

## Proposal

<b>PROPOSAL SUBMITTED TO:</b>		<b>DESCRIPTION OF JOB:</b>		Date: 01-23-15
City of Milford		Job <b>300-Front St.</b>		
ATTN: Hans		Address		
		City	State	Phone:

**We hereby Submit** specifications and estimates for: .....

30 LF Curb remove & replace back to existing blacktop

Remove 2 tree stumps, Haul away - Backfill and Tamp

Remove existing brick Sidewalks - Done by City of Milford

Remove excess dirt - haul away

Pour new Sidewalk to top curb grade

110 LF x 5' per City Specs

Install Handicap Ramp with Truncated Domes

Tie in 3' x 6' Sidewalk at side door

Form & Pour 8' Sidewalk with one step at front door.

Water adjusted down by others

Restoration, Topsoil & Seeding by City.

**\$8,000.00**

All material is guaranteed to be as specified. All work is to be completed in a work-manlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

Authorized Signature Michael J Shea

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date Accepted \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_



**SHEA CONCRETE LTD.**

P.O. Box 264 • Milford, DE 19963  
302-422-7221 • FAX 302-422-1261

**Proposal**

<b>PROPOSAL SUBMITTED TO:</b>	<b>DESCRIPTION OF JOB:</b>	Date: 01-23-15	
City of Milford	Job 300 Front St.		
	Address		
	City	State	Phone:

**We Hereby Submit** specifications and estimates for: .....

Shea will remove approx. 80 SF of Sidewalk along house foundation.

Concrete will be broken up by hand - no jackhammer.

Concrete to be hauled to Recycle Center.

Sidewalk will be placed back with positive drainage away from house.

Work to be done at same time as City work.

\$700.00

All material is guaranteed to be as specified. All work is to be completed in a work-manlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

Authorized Signature Michael J Shea

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date Accepted \_\_\_\_\_

Signature \_\_\_\_\_

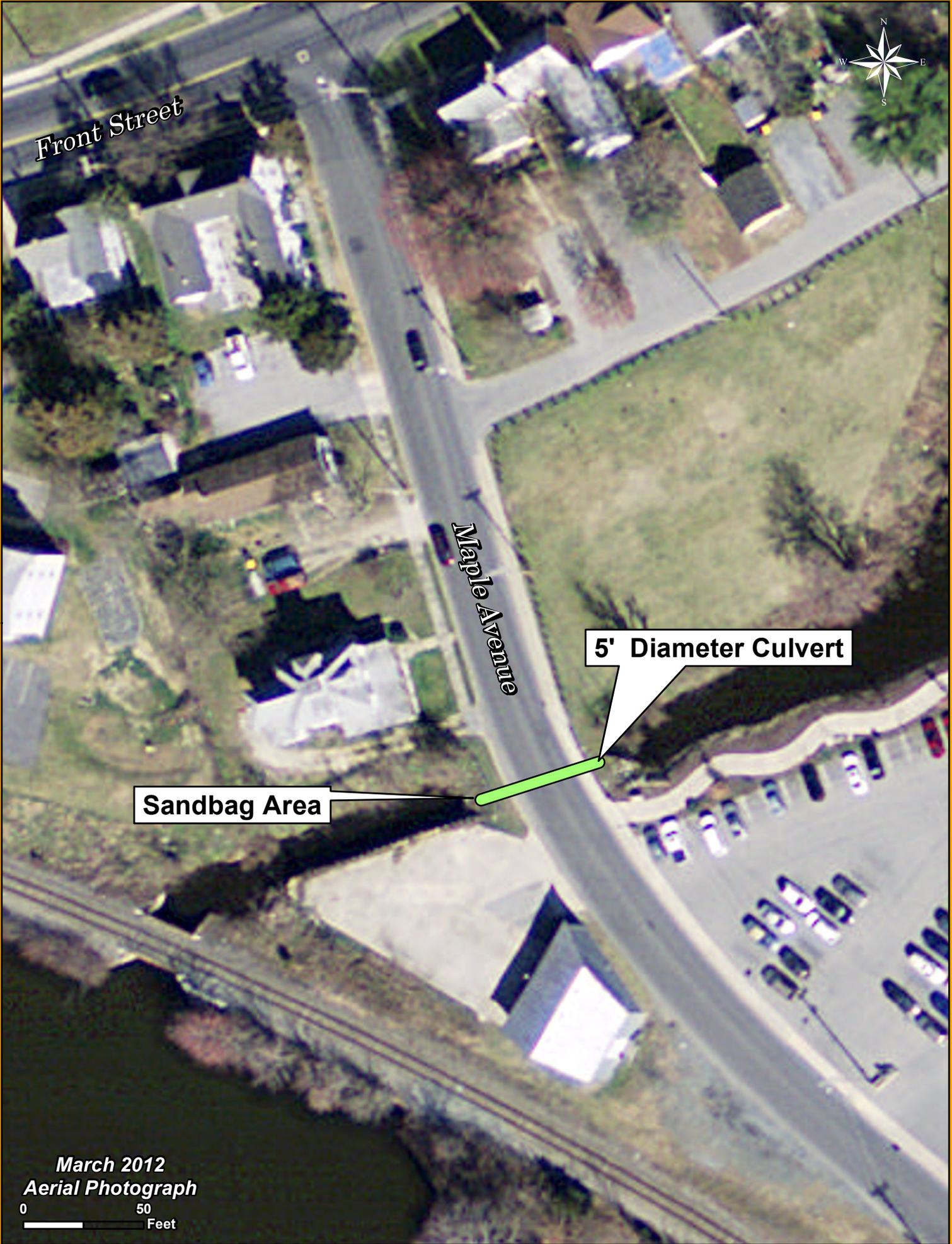
Signature \_\_\_\_\_

*Approval/Maple Avenue Culvert Repair*

As previously mentioned in the January city manager report, the city-owned culvert under Maple Avenue connecting Silver Lake with the millpond has been compromised and the road surface has started to settle. We have developed a design to repair the culvert at a reasonable cost extending its life significantly.

The project will require participation of the public works' force in conjunction with Shea Concrete LTD. The finance director and city manager reviewed and approved the work and are requesting council approval for the emergency repair utilizing unbudgeted Municipal Street Aid funds.





Front Street

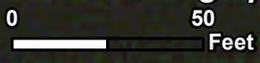
Maple Avenue

5' Diameter Culvert

Sandbag Area



March 2012  
Aerial Photograph







# SHEA CONCRETE LTD.

P.O. Box 264 • Milford, DE 19963  
302-422-7221 • FAX 302-422-1261

## Proposal

<b>PROPOSAL SUBMITTED TO:</b>	<b>DESCRIPTION OF JOB:</b>	Date: 01-23-15	
City of Milford	Job <b>Maple Ave. Pipe Project</b>		
	Address		
	City	State	Phone:

**We Hereby Submit** specifications and estimates for: .....

Dewatering by City of Milford  
 2 loads of stone - 30 tons  
 Placed by chute of concrete truck. \$1,100.00

1 - day labor for concrete crew  
 Help place stone and sandbags (supplied by City)  
 City pumps down pond. \$1,720.00

After pipe is dry  
 Shea will install Floor 12" thick with #6 bar 12" oc  
 Shea will form 12" Curbs down both sides of pipe with rebar  
 Shea will bucket concrete to pour curbs in pipe  
 Strip forms, clean up, remove sand bags (returned by City). \$14,838.00

All material is guaranteed to be as specified. All work is to be completed in a work-manlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

Authorized Signature Michael J Shea

Note: This proposal may be ~~with~~-drawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date Accepted \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Approval/FY 2014-2015 BA/Truitt Avenue Sidewalk Urgent Repairs

The two urgent repair issues were brought to our attention by citizens.

The first being a washout under the sidewalk at the Truitt Avenue Bridge under State Route 14. A complete void has formed and portions of the sidewalk section no longer support it posing an imminent collapse during a major rainfall event.

The second involves an undesirable placement of a major utility pole impeding pedestrian traffic on the north end of Truitt Avenue posing a potential risk.

The finance director and city manager reviewed and approved the work and are requesting council approval for the emergency repair utilizing unbudgeted Municipal Street Aid funds.



**SHEA CONCRETE LTD.**  
 P.O. Box 264 • Milford, DE 19963  
 302-422-7221 • FAX 302-422-1261

# Proposal

<b>PROPOSAL SUBMITTED TO:</b>		<b>DESCRIPTION OF JOB:</b>		Date: 01-23-15
City of Milford		Job <b>Sidewalk on Front St. near Truitt Ave.</b>		
ATTN: Hans		Address		
		City	State	Phone:

**We Hereby Submit** specifications and estimates for: .....

Demo existing Sidewalk and Curb (Haul to Recycle Center)

Install new stone subgrade

Install new 3' x 16" x 15" Basin

Install 10 LF 8" galvanized pipe

Grade, form and pour new Sidewalk

Rip bank below new pipe.

**\$3,215.00**

All material is guaranteed to be as specified. All work is to be completed in a work-manlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

Authorized Signature Michael J Shea

Note: This proposal may be with-drawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date Accepted \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_



**SHEA CONCRETE LTD.**  
 P.O. Box 264 • Milford, DE 19963  
 302-422-7221 • FAX 302-422-1261

# Proposal

<b>PROPOSAL SUBMITTED TO:</b>	<b>DESCRIPTION OF JOB:</b>	Date: 01-23-15	
City of Milford	Job <u>Northwest end of Truitt Ave.</u>		
	Address		
	City	State	Phone:

**We Hereby Submit** specifications and estimates for: .....

Demo existing Curb & Sidewalk; Haul to Recycle

Install 30 LF new Curb

Grade, form and pour new Sidewalks in front of pole and guy wire

Install 10 SF Truncated Domes.

\$3,650.00

All material is guaranteed to be as specified. All work is to be completed in a work-manlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

Authorized Signature Michael J Shea

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date Accepted \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Approval/FY 2014-2015 Budget Adjustment  
Preliminary Engineering Expenses  
2015 Sewer System Project

The sewer department is requesting funds from sewer reserves to pay for the USDA grant loan funding application having been prepared by DBF. The city has incurred expenses in the amount of \$21,353 in association with this application. It has been confirmed this is the final cost and the invoices have been reviewed. The finance director and city manager are requesting \$21,353 to be transferred from sewer reserves to a special account in sewer engineering cost center.

The sewer department is requesting funds from sewer reserves to pay for the USDA application being worked on by DBF. We have incurred \$21,353 in DBF bills towards this application. I have emailed with DBF and it has been confirmed this is the final cost. I have attached the invoices we have received. If agreed, please request \$21,353 from sewer reserves to be transferred to sewer engineering so these invoices can be paid.

Jeff Portmann  
Finance Director  
City of Milford  
302-424-5141

Invoice



DAVIS  
BOWEN &  
FRIEDEL, INC.

ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

January 22, 2015  
Invoice No: 111344

Project 0052A169.A01 USDA Funding Application - Miscellaneous Sewer System Improvements

Billing Message:

For Professional Services Rendered from November 29, 2014 to January 02, 2015

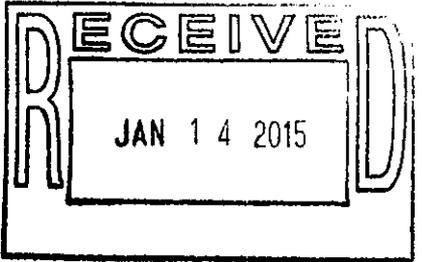
Professional Personnel			
	Hours	Rate	Amount
SENIOR ENGINEER	1.00	135.00	135.00
GIS SPECIALIST	.50	95.00	47.50
DESIGNER	1.50	95.00	142.50
Totals	3.00		325.00
<b>Total Labor</b>			<b>325.00</b>
<b>Reimbursables</b>			
REIMB -OTHER DIRECT EXPENSES			54.60
<b>Total Reimbursables</b>			<b>54.60</b>
		<b>Current Invoice Total</b>	<b>\$379.60</b>

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

Invoice



DAVIS  
BOWEN &  
FRIEDEL, INC.



ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

January 06, 2015  
Invoice No: 111157

Project 0052A169.A01 USDA Funding Application - Miscellaneous Sewer System Improvements

**Billing Message:**

**For Professional Services Rendered from November 01, 2014 to November 28, 2014**

**Professional Personnel**

	Hours	Rate	Amount	
SENIOR ENGINEER	12.00	135.00	1,620.00	
ENGINEER	5.00	105.00	525.00	
GEOLOGIST	2.50	105.00	262.50	
GIS SPECIALIST	2.50	95.00	237.50	
DESIGNER	2.00	95.00	190.00	
CLERICAL	.25	50.00	12.50	
Totals	24.25		2,847.50	
<b>Total Labor</b>				<b>2,847.50</b>
		<b>Current Invoice Total</b>		<b>\$2,847.50</b>

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

Invoice



DAVIS  
BOWEN &  
FRIEDEL, INC.

ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

December 03, 2014  
Invoice No: 110799

Project 0052A169.A01 USDA Funding Application - Miscellaneous Sewer System Improvements

**Billing Message:**

**For Professional Services Rendered from September 27, 2014 to October 31, 2014**

**Professional Personnel**

	Hours	Rate	Amount	
SENIOR ENGINEER	13.00	135.00	1,755.00	
ENGINEER	1.50	105.00	157.50	
GIS SPECIALIST	11.00	95.00	1,045.00	
Totals	25.50		2,957.50	
<b>Total Labor</b>				<b>2,957.50</b>
				<b>Current Invoice Total \$2,957.50</b>

12/23 - emailed Steve

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

Invoice



ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

October 30, 2014  
Invoice No: 110283

Project 0052A169.A01 USDA Funding Application - Miscellaneous Sewer System Improvements

**Billing Message:**

**For Professional Services Rendered from August 30, 2014 to September 26, 2014**

**Professional Personnel**

	Hours	Rate	Amount	
SENIOR ENGINEER	25.00	135.00	3,375.00	
ENGINEER	15.00	105.00	1,575.00	
GIS SPECIALIST	1.50	95.00	142.50	
CLERICAL	.25	50.00	12.50	
Totals	41.75		5,105.00	
<b>Total Labor</b>				<b>5,105.00</b>
				<b>Current Invoice Total</b>
				<b>\$5,105.00</b>

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

10/30



DAVIS  
BOWEN &  
FRIEDEL, INC.

ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

October 01, 2014  
Invoice No: 109957

Project 0052A169.A01 USDA Funding Application - Miscellaneous Sewer System  
Improvements

**Billing Message:**

**For Professional Services Rendered from August 02, 2014 to August 29, 2014**

**Professional Personnel**

	Hours	Rate	Amount	
PRINCIPAL	3.00	165.00	495.00	
SENIOR ENGINEER	36.50	135.00	4,927.50	
ENGINEER	2.50	105.00	262.50	
Totals	42.00		5,685.00	
Total Labor				5,685.00
		Current Invoice Total		\$5,685.00

10/10 - emailed Steve

10/23 or 10/24 - P.O. # 21592

203-3030-432-30.50

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

Invoice



DAVIS  
BOWEN &  
FRIEDEL, INC.

SEP 15 2014

ARCHITECTS \* ENGINEERS \* SURVEYORS  
REMIT TO: P.O. Box 93 Salisbury MD 21803  
Tel: 410.543.9091 Fax: 410.543.7937

CITY OF MILFORD  
ACCOUNTS PAYABLE  
10 SE SECOND ST  
MILFORD, DE 19963

September 05, 2014  
Invoice No: 109578

Project 0052A169.A01 USDA Funding Application - Miscellaneous Sewer System Improvements

**Billing Message:**

For Professional Services Rendered from June 28, 2014 to August 01, 2014

**Professional Personnel**

	Hours	Rate	Amount	
PRINCIPAL	6.00	165.00	990.00	
SENIOR ENGINEER	14.00	135.00	1,890.00	
GIS SPECIALIST	2.00	95.00	190.00	
ASSOCIATE SURVEYOR	6.50	105.00	682.50	
2 PERSON SURVEY CREW	4.75	130.00	617.50	
SURVEY WORKER (2 & 3 PERSON)	4.75		0.00	
Totals	38.00		4,370.00	
<b>Total Labor</b>				<b>4,370.00</b>

**Unit Billing**

MILEAGE	16.0 MILES @ 0.50	8.00	
<b>Total Units</b>		<b>8.00</b>	<b>8.00</b>

**Current Invoice Total \$4,378.00**

\*\*Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice.  
\*\*Please reference invoice number(s) when remitting payment.

Approval/FY 2014-2015 Budget Adjustment/DBF Contract  
Amendment/Seabury Avenue Test Well

See DBF Letter in packet.

The finance director and city manager reviewed and approved the work and are requesting council fund the work out of the Sewer Reserve Account

September 15, 2014

City of Milford  
201 South Walnut Street  
Milford, Delaware 19963

Attn: Richard D. Carmean  
City Manager

RE: **PROPOSAL**  
Test Well Services  
Groundwater Investigation  
Seabury Avenue WTF  
Project No. 0052A165.C01

*Michael R. Wigley, AIA, LEED AP  
Randy B. Dupleschain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
Michael E. Wheelerton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Gerald G. Friedel, P.E.*



Dear Dick:

In accordance with the City's agreement with Redner's Market, Inc., Davis, Bowen & Friedel, Inc. (DBF) is pleased to present this proposal for engineering services related to the installation of a test well at the Seabury Avenue Water Treatment Facility site. As part of the cost-sharing agreement, we understand the City and Redner's Market, Inc. agreed to the installation of a test well at the site based on the positive results of the exploratory bore recently completed with the intent of ultimately installing a new production well to replace any production capacity lost by the abandonment of Well 9.

Based on the results of the exploratory boring, four formations were discovered within the 600' depth explored at the Seabury Avenue WTF site. The four formations were identified as follows: Milford Aquifer (210'-255'), Frederica Aquifer (305'-340'), Federalsburg Aquifer (410'-470') and Cheswold Aquifer (495'-550'). We understand the City currently has production wells in three (3) of the formations; the Milford (Well 12), Frederica (Well 11) and Federalsburg (Well 10). There is no production well installed in the deeper Cheswold aquifer.

Of the four (4) identified formations, the most favorable sieve results were found in the Frederica Aquifer, at a depth of 305' to 340' below grade. The City currently has a production well, Well 11, installed in this formation. However, the findings of the recent exploration reveal a larger formation with much coarser, more water-bearing material than what Well 11 was originally designed for. Although the City has no production well in the deeper Cheswold aquifer, the installation and long-term operation of a 550-560' deep well is considerably more costly than replacing the existing under-producing Well 11. In hopes of saving the additional costs related to drilling and operating a 550' deep well in the Cheswold Aquifer, our office is recommending the installation of a test well with the intent of replacing the under-producing Well 11.

A description of our proposed scope of services and associated lump sum fee for the work is as follows:

A. TEST WELL SERVICES

Our office will contract with the Delaware-licensed well driller, A.C. Schultes of Delaware, Inc. and oversee the installation of an approximately 345 foot deep test well for the purpose of determining the production capacity and water quality of the formation. The work shall include application for the required well construction permit from DNREC, performance of the 8¼" bore hole, sampling of the bore material at specific locations, electric logging of the bore hole, sieve analysis of the selected samples, installation of 305 feet of PVC casing and 35 feet of Stainless Steel Hi-Flow Screen with gravel pack, development of test well, eight (8) hour flow test and four (4) hour recovery test with electronic data logger, water quality analysis and preparation of a technical data report.

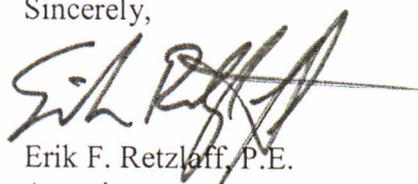
Lump Sum Fee: \$37,500.00

We propose to perform the above-described work for the lump sum listed above. Billing will be submitted monthly based on the percentage of work completed the previous month. Additional services beyond the above scope as authorized by the City will be performed on an hourly basis in accordance with the enclosed Schedule of Rates No. 44. Payment terms shall be in accordance with our attached rate schedule.

Should you find this proposal acceptable, please execute below and return one (1) copy to us for our files. Receipt of a signed copy will be considered as our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we appreciate the opportunity to offer our services and look forward to continuing our work with you on this project. If you should have any questions or need additional information, please call.

Sincerely,



Erik F. Retzlaff, P.E.  
Associate

Proposals Municipal Milford 0052A165.C01--RC Seabury Avenue WTF Test Well

ACCEPTED BY:

  
*Signature*

Bryan Shupe  
*Printed Name*

*Date*

**DAVIS, BOWEN & FRIEDEL, INC. ("DBF")**  
**SCHEDULE OF RATES AND GENERAL CONDITIONS**  
 SCHEDULE NO. 44  
 Effective June 1, 2006

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Senior Architect	\$135.00
Architect	\$105.00
Senior Landscape Architect	\$135.00
Landscape Architect	\$105.00
Senior Engineer	\$135.00
Engineer	\$105.00
Senior Planner	\$135.00
Planner	\$85.00
Construction Administrator	\$105.00
Traffic Engineer	\$105.00
Geologist	\$105.00
GIS Specialist	\$95.00
Senior Surveyor	\$135.00
Associate Surveyor	\$105.00
Surveyor	\$100.00
Senior Designer	\$100.00
Computer Graphics Designer	\$85.00
Designer	\$95.00
CADD I	\$80.00
CADD II	\$70.00
Computer Administrator	\$85.00
2 Man Field Crew	\$130.00
3 Man Field Crew	\$165.00
GPS Unit (1 man)	\$100.00
GPS Unit (2 man Crew)	\$140.00
GPS Unit (3 man Crew)	\$180.00
Resident Project Representative	\$80.00
Clerical	\$50.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

**INVOICES & PAYMENT**

Invoices are sent monthly or sooner if project is complete. Payment Terms: Net 30 days of invoice date. Any invoice not paid within 30 days shall bear interest at 1.0% per month (12% annually). If required to engage legal counsel to collect an overdue invoice, DBF shall be entitled to recover also its costs of collection, including counsel fees and expenses. DBF reserves the right to adjust its schedule of rates annually. Any such adjustments will be effective within 30 days after written notification to the client.

**TERMINATION OF CONTRACT**

Client may terminate this agreement upon seven days' prior written notice to DBF for convenience or cause. DBF may terminate this Agreement for cause upon seven days' prior written notice to client. Failure of client to pay invoices when due shall be cause for immediate suspension and ultimate termination of services, at DBF's sole discretion. This agreement may be terminated by either party for any reason with 30 days advance notice.

**LIMITATION OF LIABILITY**

Client agrees to limit DBF's liability related to any errors or omissions to a sum that shall not exceed the total professional fee for the project.

**INDEMNIFICATION**

Client and DBF each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees caused by the other's negligence. To the extent such claims, losses, damages or expenses are caused by the joint or concurrent negligence of client and DBF, the same shall be borne by each party in proportion to its negligence. This shall in no way affect the limitation of DBF's liability expressed in the preceding paragraph.

**FORCE MAJEURE**

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

**CONSTRUCTION PHASE SERVICES**

If this Agreement provides for any construction phase services by DBF, it is understood that the contractor, not DBF, is solely responsible for the construction of the project, and that DBF shall not be responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the contractor, its subcontractors or suppliers.

**OWNERSHIP OF DOCUMENTS**

All documents prepared or furnished by DBF pursuant to this Agreement, including electronic media, are instruments of DBF's professional service, and DBF shall retain an ownership and property interest therein. DBF grants client, during the period of DBF's service, a license to use such documents for the purpose of constructing, occupying and maintaining the project. Reuse or modification of any such documents by client or client's agents, without DBF's written permission, shall be at client's sole risk; and client agrees to indemnify and hold DBF harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by client or by others acting through or with the consent of client.

**USE OF ELECTRONIC MEDIA**

Copies of documents that may be relied upon by client are limited to the printed copies (also known as hard copies) that are signed or sealed by DBF. Files in electronic media format or text, data, graphic or other types that are furnished by DBF to client are only for convenience of client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, DBF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, computer hardware or of a protocol differing from those in use by DBF during the period of this agreement.

**SUCCESSORS & ASSIGNS**

The client and DBF bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

**MISCELLANEOUS PROVISIONS**

Unless otherwise specified, this Agreement shall be governed by laws of the State in which the work is performed, and the courts of such State shall have exclusive jurisdiction over any disputes hereunder. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement. If this schedule is incorporated or referenced in an agreement with client, the terms of this schedule shall prevail in the event of any conflict with the terms of such agreement.

**REIMBURSABLE EXPENSES**

Other expenses known as direct expenses incurred in the interest of the project (including travel, toll communications, postage, delivery, photographs, subcontract engineering, testing or other consultants, renderings, models, etc.) will be billed monthly at DBF's actual cost plus ten percent.

*Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., PLS  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Gerald G. Friedel, P.E.*

January 23, 2015

City of Milford  
201 South Walnut Street  
Milford, Delaware 19963

Attn: Hans Medlarz  
City Manager

RE: **PROPOSAL ADJUSTMENT**  
Test Well Services  
Groundwater Investigation  
Seabury Avenue WTF  
Project No. 0052A165.C02

Dear Hans:

Per our recent discussions, Davis, Bowen & Friedel, Inc. (DBF) is pleased to present this proposal adjustment for engineering services related to the installation of a test/production well at the Seabury Avenue Water Treatment Facility site. As you are aware, the City previously approved the attached proposal for the installation of a 4" test well at the site. Based on DNREC's recent policy adjustment preventing the reclassification of a test well to a production well, we are recommending the City install a 6" production well that could be utilized as a production well should the production capacity be available.

Increasing from a 4" Well to a 6" Well will cost \$12,500.00 in materials and additional drilling time needed. Additionally, in order to utilize the well as a Production Well, access tubes must be installed for level measurement. Costs for the access tube are estimated at \$7,500.00. In total, the cost increase to go to a 6" Production Well is approximately \$20,000.00.

All terms as listed in the previous Proposal dated September 15, 2014 attached will remain.

Should you find this proposal acceptable, please execute below and return one (1) copy to us for our files. Receipt of a signed copy will be considered as our authorization to proceed.

Hans Medlarz  
January 23, 2015

**PROPOSAL ADJUSTMENT REQUEST**  
Seabury Ave. WTF Test Well Services  
Page 2 of 2

On behalf of Davis, Bowen & Friedel, Inc., we appreciate the opportunity to offer our services and look forward to continuing our work with you on this project. If you should have any questions or need additional information, please call.

Sincerely,



Erik F. Retzlaff, P.E.  
Associate

\\Proposals\Municipal\Milford\0052A165.C01-Seabury Avenue Test Well Proposal Adjustment

Enc.

**ACCEPTED BY:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name**

PUBLIC NOTICE  
Ordinance 2014-18  
Chapter 204-Taxation

NOTICE IS HEREBY GIVEN that the following ordinance is currently under review by Milford City Council:

WHEREAS, the taxation of real property constitutes a significant portion of the annual municipal revenues necessary to facilitate governmental operations; and

WHEREAS, it is in the best interest of the City of Milford, as well as its residents, to ensure that all properties are fairly and properly assessed for the purposes of taxation; and

WHEREAS, rules are hereby established regarding exemptions, dates, deadlines, appeals and annual and supplemental bills.)

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Article II, entitled Exemption of New Improvements Added to Property, Sections 204-6 thru Section 204-11, is hereby removed:

ARTICLE II - Exemption of New Improvements Added to Property

~~§ 204-6. - Eligibility for new improvement exemption of real property taxes.~~

~~The exemption shall only apply to the increase in assessed value resulting from substantial rehabilitation, renovation or improvements of existing properties (residential, commercial, industrial, etc.) located within the city limits. New construction does not qualify.~~

~~The building permit for the said improvements must be issued prior to June 30, 2013 and shall be valid for a period of one year. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this article.~~

~~§ 204-7. - Amount of the exemption.~~

~~The amount of the exemption shall be determined by subtracting the value of construction per the building permit from the improvement assessment value following the new construction.~~

~~§ 204-8. - Application of the exemption and limitations.~~

~~The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.~~

~~§ 204-9. - Appeals.~~

~~An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.~~

~~§ 204-10. - Due date for payment of property taxes.~~

Property taxes shall be payable on or before September 30th of each year.

~~§ 204-11. - Penalties.~~

~~To every tax not paid after the said date established in § 204-10, there shall be added and collected a penalty, for each month that the said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in § 204-10 for the addition and collection of penalties.~~

Section 2. A new Article II, entitled Authority to Exempt Real Property from Taxation, is hereby added to read as follows:

ARTICLE II – Authority to exempt real property from taxation.

§ 204-6. The city council shall have the power to exempt real property located within the city from municipal property taxes when, in the opinion of the tax assessor, the same will best promote the public welfare. The city assessor shall be empowered to grant tax exemptions pursuant to 9 Del. C. § 8105 and 8110, upon receipt of an application to the City of Milford filed by the organization to establish its entitlement to such exemptions.

§ 204-7. No assessment shall be made against that portion of a parcel during the period in which the portion qualifies for agricultural, horticultural or forest uses as more fully defined by 9 Del. C. § 8330 through 8337, inclusive.

Section 3. A new Article III, entitled Annual Tax Bill, is hereby added to read as follows:

ARTICLE III – Annual Tax Bill.

§204-8. The tax year shall run from October 1<sup>st</sup> through September 30<sup>th</sup> each year based on assessed values as of June 30<sup>th</sup>.

§ 204-9. Property taxes shall be payable on or before September 30<sup>th</sup> of each year.

§ 204-10. To every tax not paid after the said date established in 204-9, there shall be added and collected a penalty, for each month that said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in 204-9 for the addition and collection of penalties.

Section 4. A new Article IV, entitled Supplemental Assessments and Tax Bills, is hereby added to read as follows:

ARTICLE IV- Supplemental Assessments and Tax Bills

§204-11. Supplemental Assessment Required.

A. Changes, including zoning and construction, shall require reassessment of the property at its fair market value as of the date of the last City-wide revaluation. A supplemental assessment will be determined for the amount of difference between the value stated on the regular assessment roll(s) and the new fair market value.

B. Supplemental tax bills shall be issued when there is an increase in taxable value caused by any change as stated in 204-11. More than one tax year may be affected by the increase in value, causing more than one supplemental bill to be issued. Even when a property has been sold, the original owner may be billed for any change in value relating to the dates of their ownership.

C. The increase in assessed value resulting from the reassessment is reflected in a prorated assessment that covers the period from the first day of the month following the supplemental event to the end of the fiscal year.

§204-12. - Assessment Appeals.

A. Appeal date deadlines

Appeal filing deadline (Annual billing)	August 31 <sup>st</sup>
Appeal filing deadline (October billing)	November 30 <sup>th</sup>
Appeal filing deadline (January billing)	February 28 <sup>th</sup>
Appeal filing deadline (April billing)	May 31 <sup>st</sup>

B. Right to appeal is lost if appellant has missed the designated appeal date.

C. Appeals/refunds for errors or opinions of value from appellants will not be heard for prior years.

D. The assessment as revised and adjusted by the board of assessment appeals shall be the listed value for the year under appeal and shall be the basis for the levy and collection of taxes for the city.

Section 5. Dates

Introduction 01-12-2015

Ordinance will be effective ten (10) days following its adoption.

~~Ordinance 2014-08~~  
~~CHAPTER 193-SOLID WASTE~~

ORDINANCE 2015-01

Chapter 193-Solid Waste

CODE OF THE CITY OF MILFORD  
PART II - GENERAL LEGISLATION

CHAPTER 193 - SOLID WASTE MANAGEMENT

ARTICLE I. Miscellaneous Provisions

193-1. Mandatory Residential Collection.

The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Said mandatory service includes the collection of residential solid waste.

193-2. Non-Residential Services.

Solid waste services through the City of Milford are optional for non-residential entities. Upon request containers may be provided, in accordance with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the city shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the city. ~~The city reserves the right to restrict the services of a private hauler in order to promote the public health, safety and the general well-being of the community.~~

193-3. Containers Required.

The city shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the city is prohibited. ~~Items piled alongside the container will not be picked up, nor will containers not provided by the city.~~ If any container is lost or destroyed, another container shall be provided at cost to the customer.

193-4. Special and Holiday Collections.

A. Special Collections.

~~A special collections will occur be held~~ one week in the spring and one week during the fall of each year. Customers shall be able to put out additional ~~items, including~~ bulk items, during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.

B. Holiday Collections.

~~The city observes the following six holidays in which trash services will not occur:~~

~~\_\_\_\_\_ New Years~~

~~\_\_\_\_\_ Memorial Day~~

~~\_\_\_\_\_ July 4<sup>th</sup>~~

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Labor Day

Thanksgiving

Christmas

If the holiday or observed holiday falls on a Monday, collection will be the following day affecting all workdays including Saturdays.

If holiday falls on any other weekday, only the collections after that day are shifted by one day.

C. Holidays such as Martin Luther King Birthday, Presidents Day, Good Friday, Election Day and Veterans Day will not affect collections.

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193-5. Bills, ~~and~~ Payments and Deposits.

- A. The rates as established shall be an assessment and shall be billed to ~~the resident of the property~~ customers on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.
- B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose. ~~Non receipt of a bill shall not constitute a waiver thereof. The city, on request, will issue a duplicate bill to the customer.~~
- C. ~~The annual charge-~~ The charges imposed under this ordinance shall be a lien against ~~the any~~ owner-occupied property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the city for investigation.
- E. Nonpayment of two (2) consecutive months will trigger termination of service and removal of all city-issued containers.
- F. Creation of new rental accounts will require a \$100 reimbursable deposit. Unpaid balances will be applied when account is terminated.

193-6. Violations and Penalties.

- A. Unless otherwise prescribed herein, any person violating any of the provisions of Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this chapter shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

193-7. Supplemental Regulations.

The City Manager is hereby authorized to administer Chapter 193 of the City of Milford Code pertaining to the solid waste collection system ~~make additional rules and regulations~~

~~for the administration of the solid waste collection system, provided that such rule or regulation is not in conflict with the specific provisions of this chapter and is in no way inconsistent with the established policies of the City Council.~~

## ARTICLE II. SOLID WASTE

### 193-8. Definitions

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

SOLID WASTE-Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid Waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.

### 193-9. Unlawful Acts; Containment Required; Containers

(A) It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container or on a city street or drainage gutter. Containers will be provided upon request. Multi-family dwellings may utilize a city approved dumpster.

(B) ~~No solid waste or any other similar materials shall be placed in the street or on the sidewalk. No solid waste of any description shall be disposed of within the limits of the city in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this chapter shall be a violation as prescribed herein~~

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### 193-10. Collection Procedures

#### A. General.

- (1) All collection of solid waste materials from residences and other approved establishments shall be by city public works crews or contractors hired or contracted by the City ~~Manager-Council.~~
- (2) It shall be unlawful for any person to place any solid waste container within any public utility easement or public way except on designated collection days at the curblin. All containers shall be placed just behind the curblin of the street abutting such property but shall not be placed where the containers will interfere with vehicular or pedestrian traffic.
- (3) Where solid waste is collected from the front or side street, containers shall be placed there no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.

~~(4) No solid waste or any other similar materials shall be placed in the street or on the sidewalk. No solid waste of any description shall be disposed of within the limits of the city in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this chapter shall be a violation as prescribed herein.~~

B. ~~Bulk-Multi-Family Unit~~ eCollection. ~~Owners-and/or designee~~ of multi-family units desiring to utilize containers for bulk storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three cubic yards' capacity.

C. Items Prohibited

- (1) The scope of the service rendered by the city in the collection and removal of solid waste materials is intended to serve the needs of its customers' related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.
- (2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be collected and removed by the city. Such materials will be removed at the expense of the ~~owner~~ customer.
- (3) Tires will not be collected. Items too bulky or heavy to be removed during the regular city collection may, ~~at the discretion of the City Manager,~~ be removed after special arrangements have been made by the ~~owner~~ customer.

~~D. Frequency and routes of collection. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the most efficient and convenient days and times. Adequate notice of the collection schedules shall be given to customers and any changes thereto.~~

D. Items piled alongside the container will not be picked up, nor will containers not provided by the city.

~~E. Mandatory 2<sup>nd</sup> Container.~~

- ~~(1) Any additional items found outside container will not be picked up. Items will be tagged and customer informed of issues relating to 2<sup>nd</sup> container.~~
- ~~(2) Additional container delivery and associated fee will be triggered by two (2) consecutive incidents or three (3) incidents in six months.~~
- ~~(3) Payment of 2<sup>nd</sup> container will be the responsibility of customer until account is terminated.~~

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#### 193-11. Collection & Rate Schedule

- A. The city will collect solid waste as described in this Article II once every week.
- B. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the city. Adequate notice of the collection schedules shall be ~~given to the residents of the times and schedules provided to all customers~~ and any changes thereto.
- C. Residential properties  
\$23.50 monthly - one container  
~~—\$47.00 monthly— two containers~~
- D. Non-Residential properties:  
\$23.50 monthly - one container  
~~—\$47.00 monthly— two containers~~
- E. Multi-family units (including apartment complexes).  
\$23.50 monthly - one container (per unit)  
~~—\$47.00 monthly— two containers (per unit)~~
- F. Additional trash container-\$20  
Additional yard waste container-\$12
- ~~FG.~~ Individual containers may be replaced with a 3-cubic yard dumpster at City Manager's discretion.

#### ARTICLE III. YARD WASTE

193-12. Definitions

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

YARD WASTE-Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.

193-13. ~~Unlawful Acts; Containment Containers~~ Required; ~~Containers~~

- A. ~~It shall be unlawful to deposit or place~~ Depositing or placing any yard waste or matter into any garbage container, recycling container or on any city street or in a drainage gutter is prohibited.
- ~~B. An additional yard waste container is available upon request. A one-time fee will be charged to the utility account. The fee is determined upon the size of container requested. The additional container is property of the City of Milford.~~
- ~~95 Gallon — \$65~~
  - ~~65 Gallon — \$60~~
  - ~~35 Gallon — \$55~~

B. Mandatory 2<sup>nd</sup> Yard Waste Container.

- (1) Any additional yard waste found outside container will not be picked up. Excessive yard waste will be tagged and customer informed of issues relating to 2<sup>nd</sup> yard waste container.
- (2) Additional container delivery and associated fee will be triggered by two (2) consecutive incidents or three (3) incidents in six months.
- (3) Payment for 2<sup>nd</sup> yard waste container will be the responsibility of customer until account is terminated.

193-14. Collection Procedures

- A. The city will collect yard waste provided that such yard waste is deposited into the yard waste containers issued by the city. Disposal of yard waste that will not fit into the container shall be the responsibility of the ~~property owner~~ customer.
- B. The city will provide for loose leaf curbside collection from November 1 through January 31 in accordance with the following conditions:
- (1) Loose leaves shall be raked and placed behind the curb for removal by the city's leaf vacuum.
  - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
  - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

193-15. Collection & Rate Schedule.

- A. The City will collect yard waste as described in Section 193-14A every two weeks.
- B. The loose leaf curbside collection as described in Section 193-14B will be collected once each week.
- ~~C. The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.~~

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## ARTICLE IV. RECYCLING

### 193-16. Definitions

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

RECYCLING-~~Unbagged Trash~~ Recycling materials including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers, ~~and brown paper bags~~, paperboard (cereal/tissue boxes), ~~plastic grocery bags~~, telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include bags, styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.

### 193-17. Unlawful Acts; Containment Required; Containers

It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.

### 193-18. Collection Procedures

The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the city. Disposal of excessive material that will not fit into the container shall be the responsibility of the ~~property owner~~ customer.

### 193-19. Collection & Rate Schedule

~~A.~~ The City will collect recycling material once every two weeks.

~~B.~~ ~~The City Manager shall divide the city into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be given to the residents of the times and schedules and any changes thereto.~~

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## ARTICLE V. BULK ITEMS

### 193-20. Definitions

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

BULK ITEMS-~~Unbagged T~~trash other than regular household trash, such as furniture, appliances, large items including, but not limited to lawn mowers, barbecue grills, hot water heaters, air conditioners, televisions, doors, cabinets and kids toys, ~~kid's toys or excessive amounts of household trash placed in bags or boxes.~~

Note: Bulk items does not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing Freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping, leaves, grass clippings, twigs, small branches, shrubbery, prunings and other garden material shall not be collected and removed by the city. Such materials will be removed by the ~~owner~~ customer.

### 193-21. Unlawful Acts

It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.

### 193-22. Collection Procedures

A. Customers are required to contact our Customer Service Department to schedule a pickup.

~~Excessive household trash shall be bagged or placed in boxes~~

### 193-23. Collection & Rate Schedule

A. The bulk fee shall be determined on a sliding scale based on the ~~number of amount of bulk trash~~ ~~or~~ large items picked up from the residence as follows:

~~Trash bagged or boxed:~~

~~1-5 small pieces — \$10~~

~~6-10 pieces — \$20~~

~~11-15 pieces — \$30~~

~~16-20 pieces — \$40~~

~~21-50 pieces — \$50~~

~~Over 50 pieces — TBD by supervisor~~

~~Large Items (appliance, furniture, miscellaneous items) \$10 per item~~

~~B. A minimum of at least \$150 will be billed for each pickup of up to five items.~~

~~C. Each additional item will be billed at \$10.~~

~~B. D. The city will collect bulk material every Wednesday.~~

~~C. E. The city will not collect bulk material during ~~on~~ those weeks in which a holiday is observed and trash services do not occur. Refer to Section 193-4(b) for holidays that apply when a holiday occurs.~~

## ARTICLE VI. TEMPORARY SUSPENSION OF SERVICES

### 193-24 Authority

- A. The Public Works Director may suspend trash and recycling (and yard waste when applicable) collection services on an owner-occupied residence only if the home is unoccupied for a minimum of three months.
- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Public Works Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the Public Works Director prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. To continue a suspension of service after reactivation, a new "Temporarily Suspend Garbage Service Application" must be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.

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H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."

I. Partial or retroactive payments of monthly fees are prohibited.

193-25. Suspension Fee

A. At the time of the suspension request, the following service fees shall be paid by the customer:

(1) A service fee of \$35 will be charged for the removal and storage and redelivery of the container(s).

(2) A fee of \$35 for redelivery of the container(s).

B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Public Works Department.

193-26. Noncompliance, Violations and Penalties

A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.

B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.

C. Violations and Penalties set forth in Section 193-5 shall also apply to Article VI.

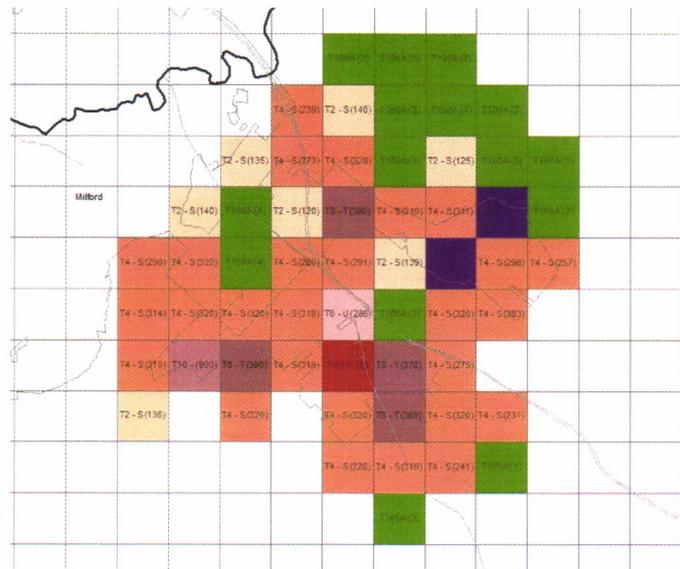
~~Effective 12/04/2014~~

~~01/2015~~

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# Milford Southeast Neighborhood Master Plan

July 25, 2011



Adopted and Certified as an Amendment to the  
City of Milford Comprehensive Plan  
July 25, 2011

Prepared by

The City of Milford, Delaware

In conjunction with

The State of Delaware

With assistance from the

University of Delaware

Sustainable Coastal Communities Initiative



# Milford South East Neighborhood Master Plan

## Map #1 Land Use

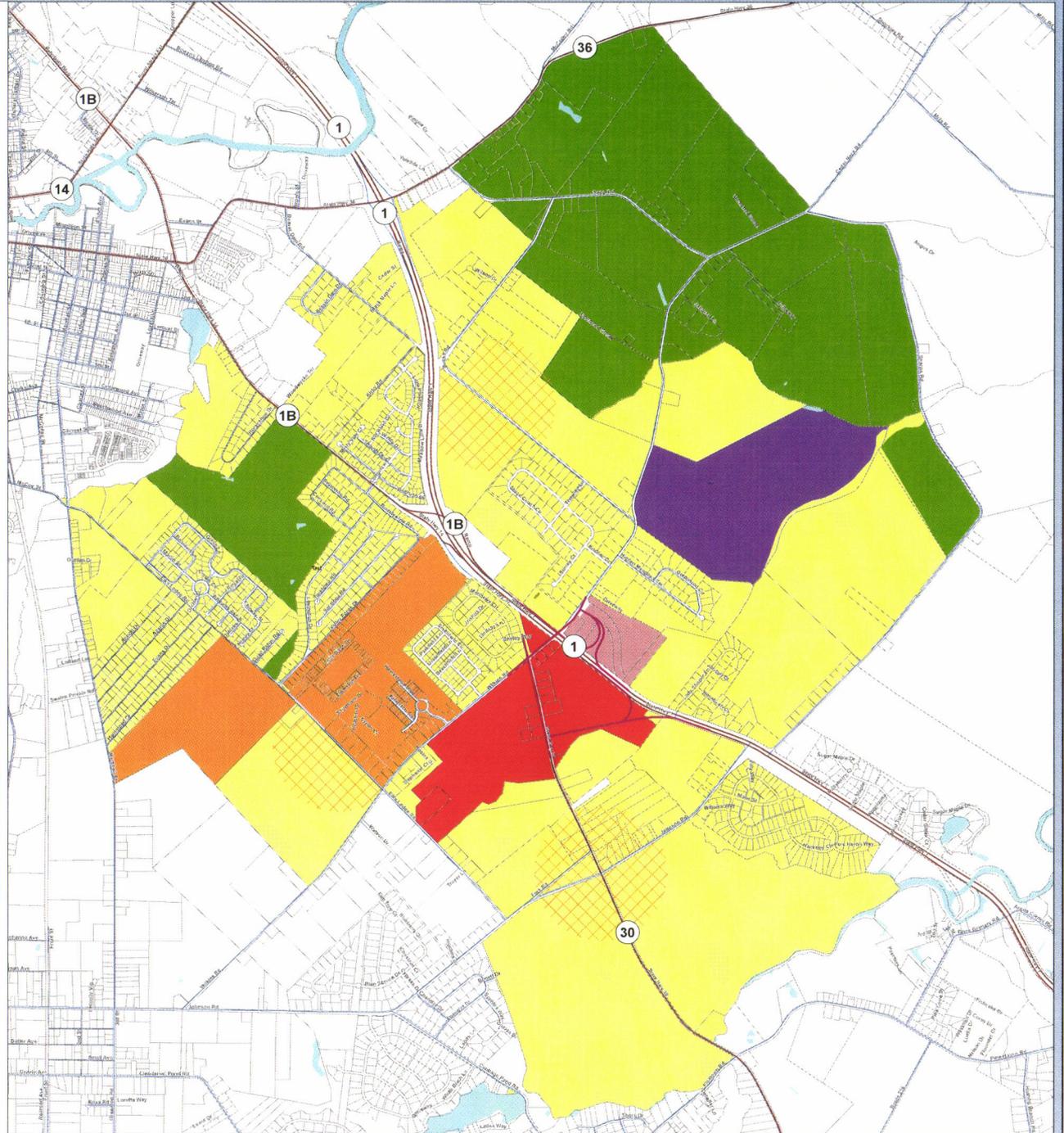
### Legend

-  Residential - Low Density
-  Residential - High Density
-  Open Space Agricultural
-  Employment Center
-  Commercial
-  TDR Receiving Areas
-  DeIDOT Owned Property

Map created by DeIDOT Division of Planning



0 0.25 0.5 1 Miles



City Code Chapter 230-62 (D) states:

- No zoning permits, certificates of occupancy, licenses or building permits shall be issued nor shall any applications for changes of zoning, conditional uses, variances or special exceptions be accepted unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

Past practice of staff was to confirm that taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid associated with the tax parcel connected to the service requested. The Customer Service Department Manager and the City Manager are requesting confirmation of intent of Council to collect ALL taxes, assessments, sewer, water, electric, trash charges and any other fees due the City in the same ownership regardless of location.