

City of Milford



CITY COUNCIL AGENDA

Monday, June 25, 2018

Joseph Ronnie Rogers Council Chambers
Milford City Hall, 201 South Walnut Street, Milford, Delaware

6:15 P.M. WORKSHOP

Ordinance 2018-17/Floodplain Code Amendments/Chapter 130

7:00 P.M. PUBLIC HEARING

ORDINANCE 2018-16

JD Barnard on behalf of Barnard Properties Partnership for a Conditional Use to
allow multiple permitted uses or mixed uses on

2.70+/- acres in a C3 Zoning District;

Located at the southeast corner of intersection N Rehoboth Blvd and NE Tenth Street
at 601 N Rehoboth Blvd, Milford, Delaware.

Present Use: Retail, Wholesale Establishment with Associated Warehouse;

Proposed Use: Same with three suites

Tax Map MD-16-174.18-03-25.00

Atlantic Concrete Company Inc for a Final Minor Subdivision
of 5.30+/- acres in an R2 Zoning District;

Located on Wilkerson Terrace, Milford, Delaware

Tax Map MD-16-183.08-01-04.00

AND

David A. Wilkerson for a Final Minor Subdivision
of 11.70+/- acres in an I1 Zoning District;

Located at 300 Wilkerson Terrace, Milford, Delaware

Tax Map MD-16-183.07-01-23.00

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Communication & Correspondence
Delaware Legislative Matters***

Unfinished Business
Authorization/of Payment SE Milford Pump Station Change Order
Authorization and Funding/Five Additional Milford Police Officers**

New Business
Approval/Downtown Milford, Inc. Operating Agreement
Introduction/Ordinance 2018-11/Solid Waste Code Amendments/Chapter 193
Renewal/First State Inspection Agency Building Planning Review & Inspections Contract

EXECUTIVE SESSION*

Motion to Recess into Executive Session

{Pursuant to 29 Del. C. 29 §10004 (b)(4) Collective Bargaining Matters

Return to Open Session

MPD Teamsters Negotiations

Adjourn

All items on the agenda are subject to a potential vote.

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.

Ⓟ *Public Comment, up to three minutes per person, will be accepted.*

041718 060618 060718 061318

*062118 Requested by City Manager **Requested by Mayor

***062518 Requested by City Manager (Urgent Information)



Chapter 130 - Floodplain Discussion

Planning Department

June 25, 2018



Chapter 130 - Floodplain

- ▶ Chapter 130 regulates building construction and land development within FEMA identified special flood hazard areas.
- ▶ The current version of Chapter 130- Floodplain was adopted in January 2015.
- ▶ 2018 Comprehensive Plan - Chapter 5 Housing
 - ▶ Goal - Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.
 - ▶ Objective - Update the City's floodplain ordinance and consider adopting a freeboard requirement.



Presenters

Greg Williams, CFM
Environmental Scientist
State of Delaware, DNREC



Gary Downes
Owner & Insurance Agent
Downes Insurance Associates, Inc.



Mike Wheedleton, AIA
Architect-Principal
Davis, Bowen & Friedel, Inc.



Adopting higher standards to reduce flood risk

Greg Williams, CFM

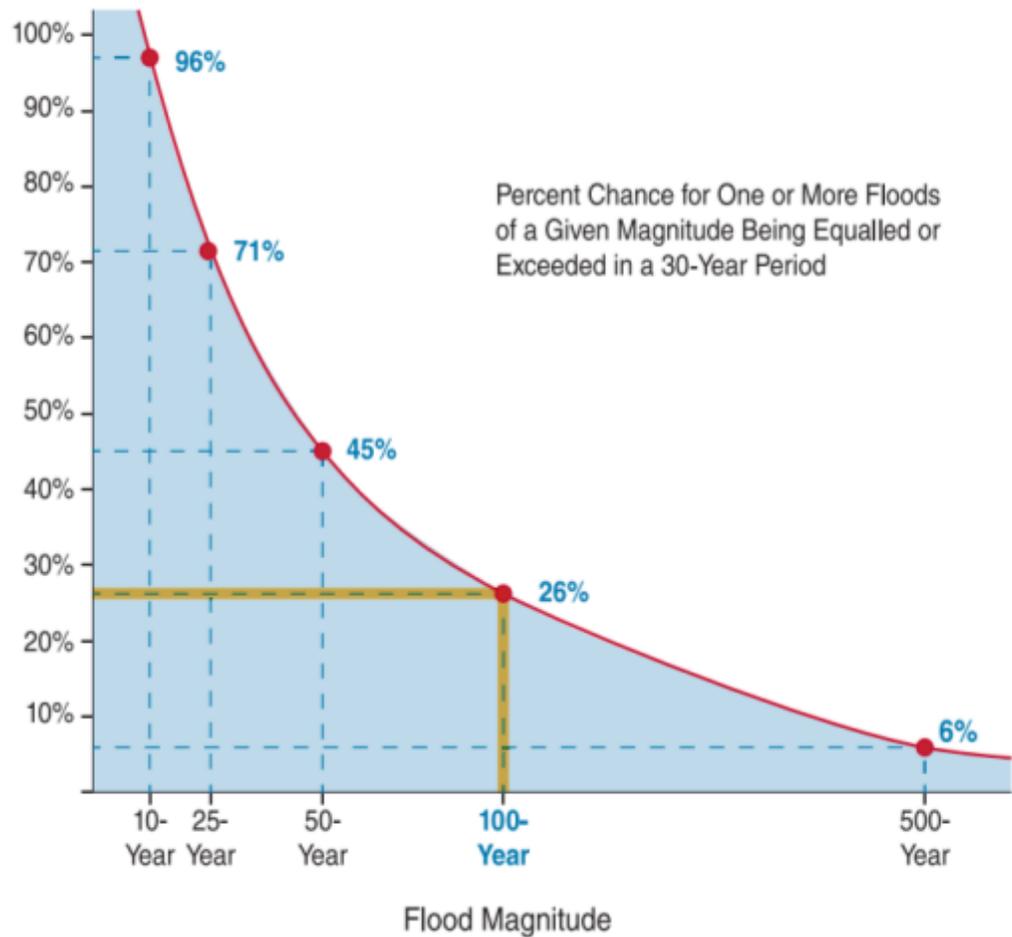






Probability of Risk

Figure 3-1. This graph shows the relationship between flood recurrence intervals and the probability of an event occurring within a 30-year period.



Where to view floodplain
maps?

www.de.gov/floodplanning

FEMA Flood Insurance Rate Maps limitations

- FIRM's show an analysis of flood scenario based on past events and data.
- Indicate areas of high, moderate, low risk.
- Future conditions are not taken into account.
- Margin of error in calculations.
- Mother nature is unpredictable.
- Conditions continuously change – one map will not suffice.

Minimum Federal Regulations

- Lowest Floor must be at or above the Base Flood Elevation (BFE).

Keep in Mind

- ◎ FEMA offers National Flood Insurance Program (NFIP)
- ◎ Communities participate in the NFIP
 - > Adopt and enforce floodplain regulations.
 - > Permit all development in the floodplain.
 - > Use current effective map and best available data.

Higher Standards

- ◎ Senate Bill 64 (2011/ 146th)
 - > Established a Floodplain & Drainage Advisory Committee which recommended higher standards.
 - > Majority of Delaware communities now enforce higher standards than the NFIP minimum.

Suggested Higher Standards to reduce risk of flood damage

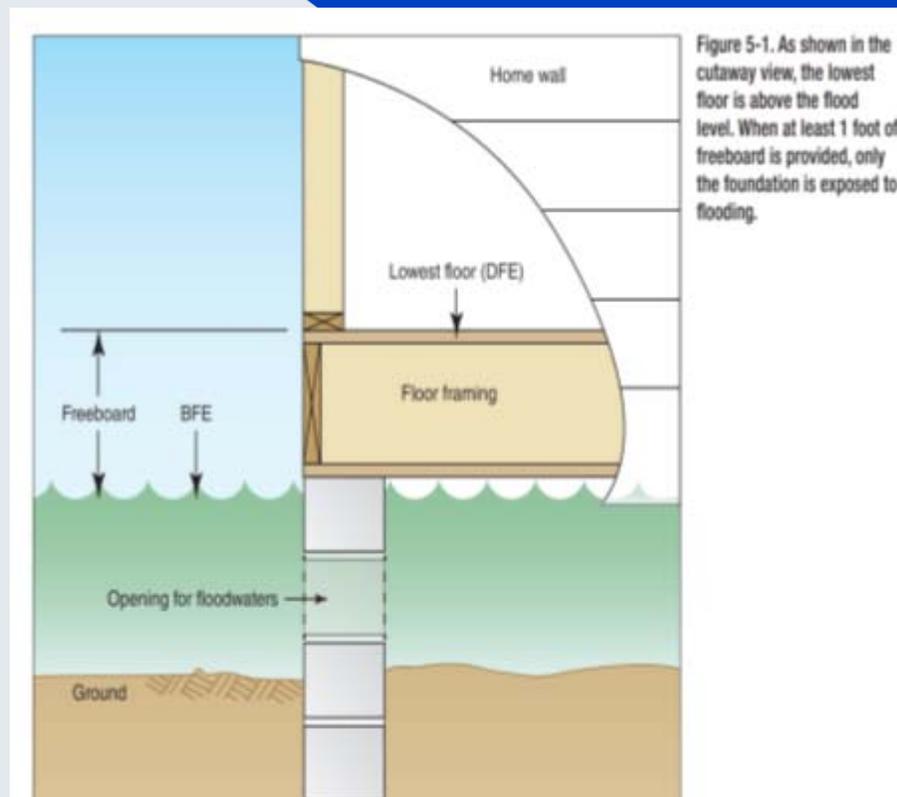
◎ Freeboard

- Factor of safety usually expressed in feet above the base flood elevation.
- Compensates for the many unknown factors that could contribute to flood heights greater than the flood heights calculated for a particular flood event.

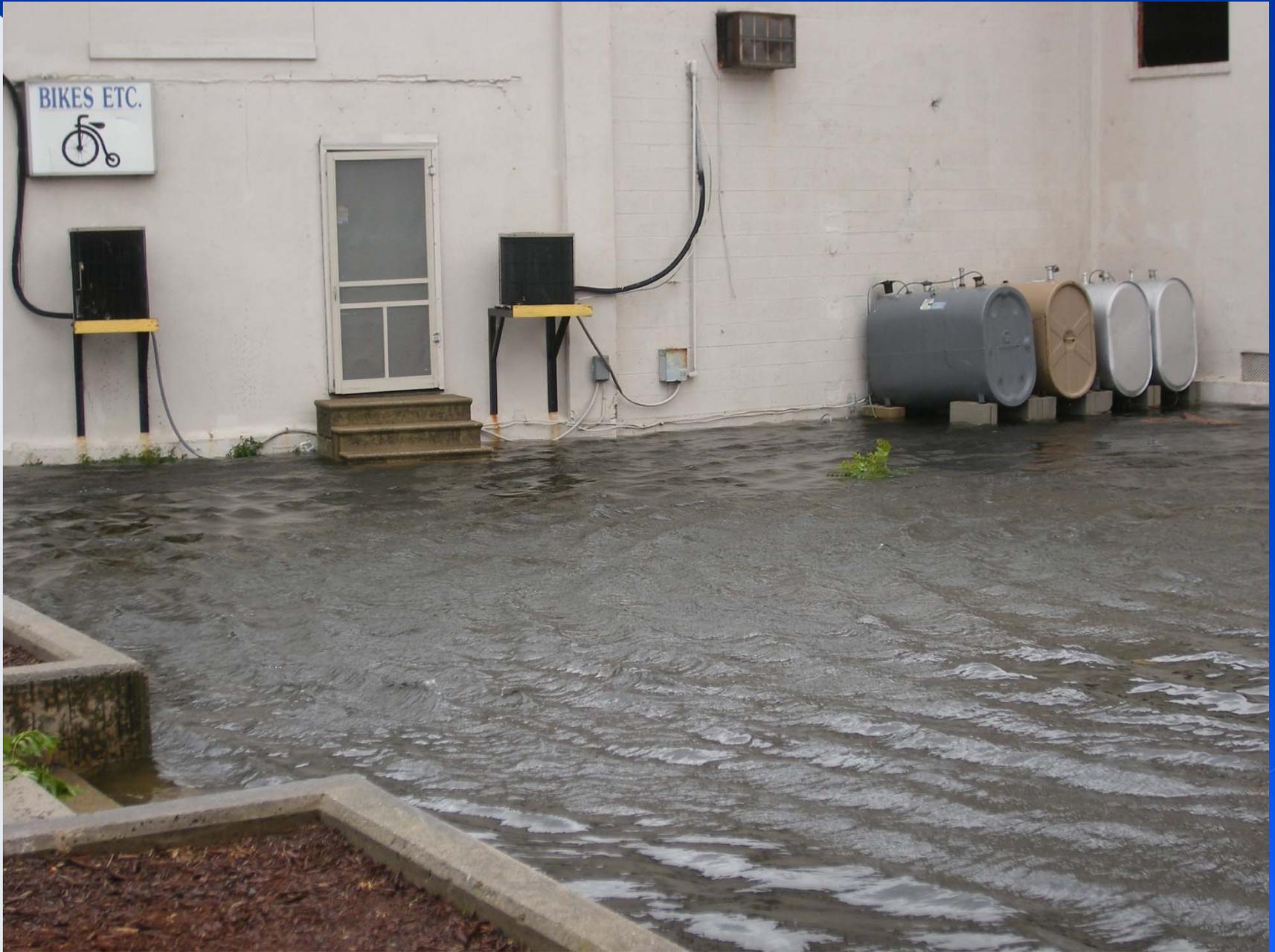
	County	CRS	Freeboard (7)	Building Code	Flood study in Unmapped FP (1) = 3.4 A.5	Require EC & FP cert. (6) * = 3.4 A.2 & 3.4 A.5	Shallow fill doesn't exempt (9) = 4.4 F	Prohibit below grade crawls (11) = 5.2 B	Prohibit subd. of FP (12)	Prohibit encroachment in FP in subd. (13) =	Incorporate Tech. Bulletins (15)	Land below BFE considered >0.1	Encourage Zone VE considered SFHA = 1.4	Require Zone VE construction in Coa	Cumulative Substantial Improvement
Bethel	Sussex		12 in.		x (2)		x			x	x				
Blades	Sussex		0												
Bridgeville	Sussex		12 in.		x (2)		x			x	x				
Dagsboro	Sussex		12 in.		x (2)		x			x	x				
Delmar	Sussex														
Dewey Beach	Sussex	8	12 in.	x	x (3)	x 18 in.	x		x	x	x	x			
Ellendale	Sussex														
Fenwick Island	Sussex	8	0		x (3)		x			x	x		x		
Frankford	Sussex		12 in.		x (2)		x			x	x				
Georgetown	Sussex		0		x (2)		x			x	x				
Greenwood	Sussex		18 in.												
Henlopen Acres	Sussex		3 ft.	x	x (3)	x 18 in.	x		x	x	x	x			
Laurel	Sussex		12 in.		x (2)		x			x	x				
Lewes	Sussex	9	18 in.	2012	x (3)		x			x	x				
Milford	Sussex		0		x (2)		x			x	x				
Millsboro	Sussex		12 in.	2015	x (2)					x	x				
Millville	Sussex		12 in.		x (2)		x			x	x				
Milton	Sussex		18 in.		x (2)		x			x	x				
Ocean View	Sussex		24 in.		x (2)		x			x	x				
Rehoboth Beach	Sussex	8	12 in.		x (1)		x				x				
Seaford	Sussex	9	18 in.	2009	x (2)					x	x				
Selbyville	Sussex		12 in.		x (2)		x			x	x				
Slaughter Beach	Sussex		12 in.		x (2)		x			x	x				
South Bethany	Sussex	8	0		x (1)		x			x	x				
Sussex County	Sussex		0		x (2)		x			x	x				

Higher Standards

- 40 of 46 communities chose to adopt some level of freeboard in their new floodplain ordinances in 2014/2015.



“Incorporating freeboard into new construction is extremely cost effective. Long-term savings on flood insurance will more than offset the costs. Adding 2 feet of freeboard to a new home might add \$20 a month to the mortgage payment, or \$240 per year. The resulting flood insurance savings could be more than \$1,000 a year”



Best Practices



- APA - Planning Advisory Service Report 584
- Planning and Design principles

Flood Insurance Estimator app



FEMA

Insurance Estimator

Flood Zone:	<input checked="" type="radio"/> X* <input type="radio"/> AE <input type="radio"/> A <input type="radio"/> AO <input type="radio"/> AH <input type="radio"/> VE	Find your flood zone on a map. 
Coverage (\$) - Structure:	<input type="range"/>	<input type="text" value="\$100,000"/>
Coverage (\$) - Contents:	<input type="range"/>	<input type="text" value="\$100,000"/>
First Floor Elevation (FFE) relative to Base Flood Elevation (BFE) (ft):	<input type="range"/>	<input type="text" value="0 ft"/>
Deductible (\$):	<input type="text" value="\$1,000 structure / \$1,000 contents"/>	
	<input type="button" value="Advanced Options"/>	<input type="button" value="Reset All"/>
<input type="button" value="Get Results"/>	<input type="text"/>	
What do my results mean?	<p>This tool estimates flood insurance premiums based on an assessment of flood risk assumed from the provided information. The premiums are based on flood insurance rates published by FEMA effective April 2015. Adjust the parameters above to see how different conditions impact premiums. Contact your insurance provider for more information about potential discounts.</p> <p><small>*Estimated insurance rates for Zone X (non-flood zone) do not include the possible discount.</small></p>	

Zone AE / -2ft / \$7400

Flood Zone:

X*

AE

A

AO

AH

VE

Find your flood zone on a map.



Coverage (\$) - Structure:

\$250,000

Coverage (\$) - Contents:

\$100,000

First Floor Elevation (FFE) relative to Base Flood Elevation (BFE) (ft):

-2 ft

Deductible (\$):

\$1,000 structure / \$1,000 contents

▶ Advanced Options

Reset All

Get Results

\$6,800 - \$7,480

What do my results mean?

This tool estimates flood insurance premiums based on an assessment of flood risk assumed from the provided information. The premiums are based on flood insurance rates published by FEMA effective April 2015. Adjust the parameters above to see how different conditions impact premiums. Contact your insurance provider for more information about potential discounts.

*Estimated insurance rates for Zone X (non-flood zone) do not include the possible discount.

Zone AE / 0 ft / \$2000

Flood Zone:

X* AE A AO AH VE

Find your flood zone on a map.



Coverage (\$) - Structure:

\$250,000

Coverage (\$) - Contents:

\$100,000

First Floor Elevation (FFE) relative to Base Flood Elevation (BFE) (ft):

0 ft

Deductible (\$):

\$1,000 structure / \$1,000 contents

Advanced Options

Reset All

Get Results

\$1,900 - \$2,090

What do my results mean?

This tool estimates flood insurance premiums based on an assessment of flood risk assumed from the provided information. The premiums are based on flood insurance rates published by FEMA effective April 2015. Adjust the parameters above to see how different conditions impact premiums. Contact your insurance provider for more information about potential discounts.

*Estimated insurance rates for Zone X (non-flood zone) do not include the possible discount.

Zone AE / +2ft / \$770

Flood Zone:

X* AE A AO AH VE

Find your flood zone on a map.



Coverage (\$) - Structure:

\$250,000

Coverage (\$) - Contents:

\$100,000

First Floor Elevation (FFE) relative to Base Flood Elevation (BFE) (ft):

2 ft

Deductible (\$):

\$1,000 structure / \$1,000 contents

Advanced Options

Reset All

Get Results

\$700 - \$770

What do my results mean?

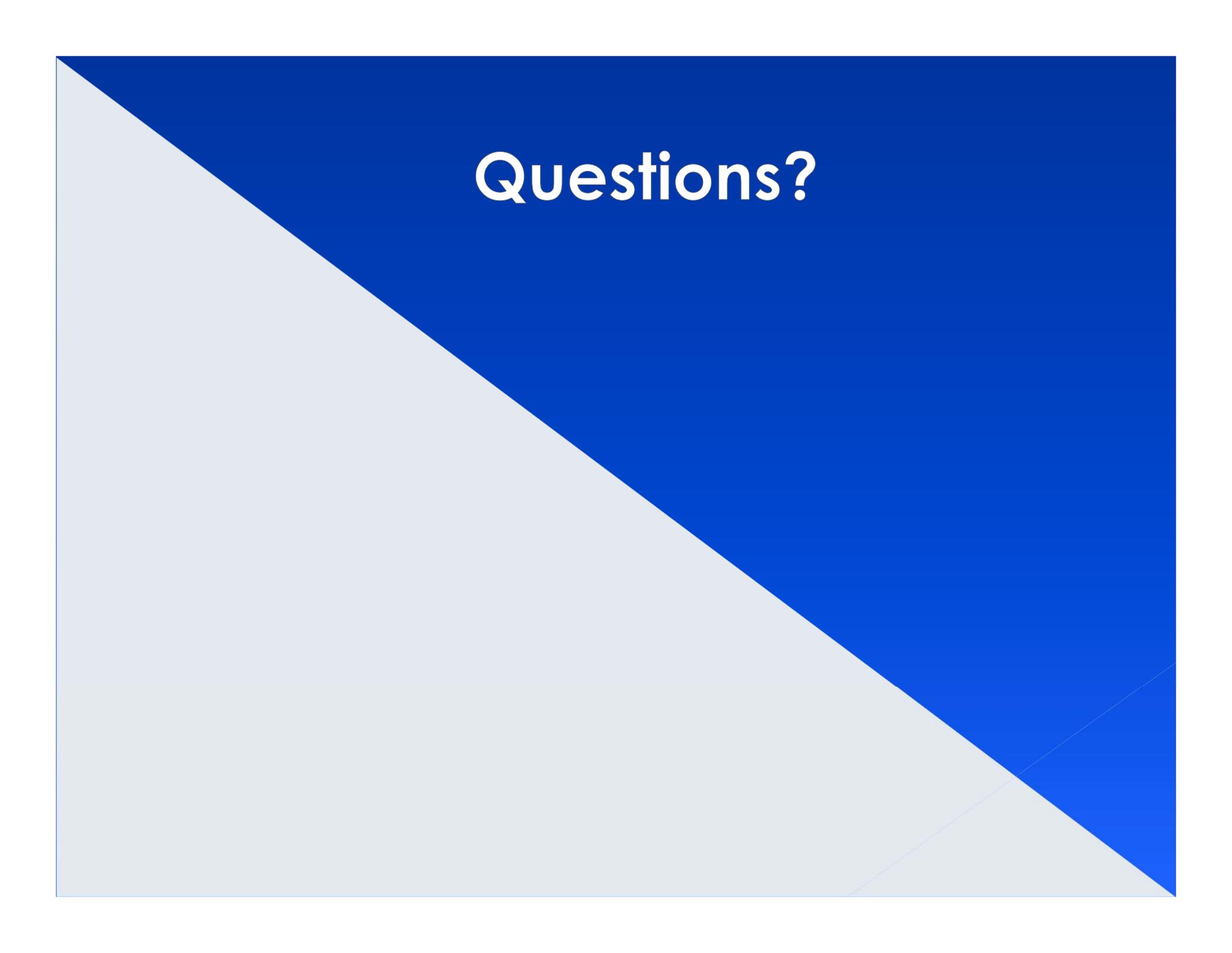
This tool estimates flood insurance premiums based on an assessment of flood risk assumed from the provided information. The premiums are based on flood insurance rates published by FEMA effective April 2015. Adjust the parameters above to see how different conditions impact premiums. Contact your insurance provider for more information about potential discounts.

*Estimated insurance rates for Zone X (non-flood zone) do not include the possible discount.

Insurance Overview

- ◎ 91 flood insurance policies in the City
 - > 60 Residential
 - > 31 Non-Residential

- ◎ 44 policies in High Risk Flood Zone
 - > 29 Pre-FIRM
 - > 15 Post-FIRM



Questions?



DATA SHEET FOR BP LLC

Planning Commission Meeting: May 15, 2018

Application Number / Name	:	17-024 / BP, LLC
Applicant	:	JD Barnard PO Box 179 Milford, DE 19963
Owner	:	Barnard Properties Partnership PO Box 179 Milford, DE 19963
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Retail, Wholesale Establishment w/ associated Warehouse
Proposed Use	:	Retail, Wholesale Establishment w/ associated Warehouse
Size and Location	:	2.7 +/- acres located at the southeast intersection of N. Rehoboth Boulevard and NE Tenth Street. Addressed as 601 N. Rehoboth Boulevard.
Tax Map & Parcel	:	MD-16-174.18-03-25.00-000

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Site Plan



STAFF REPORT
April 2, 2018

Application Number / Name	:	17-024 / BP, LLC
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Retail, Wholesale Establishment w/ associated Warehouse
Proposed Use	:	Retail, Wholesale Establishment w/ associated Warehouse
Tax Map & Parcel	:	MD-16-174.18-03-25.00-000
Size and Location	:	2.7 +/- acres located at the southeast intersection of N. Rehoboth Boulevard and NE Tenth Street. Addressed as 601 N. Rehoboth Boulevard.

I. BACKGROUND INFORMATION:

- The applicant proposes to convert the existing single occupancy retail and warehouse building into three tenant spaces to be used as retail and warehousing space. The existing building is approximately 36,000 square feet in area. The proposes to split the existing building into three units, consisting of a 14,936 square foot unit, a 9,740 square foot unit and a 11,309 square foot unit.
- Although several of the proposed uses are permitted uses within the C-3 Highway Commercial zoning designation, Chapter 230-45 states “in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.”
- According to Chapter 230-14 (C)(3), a “Wholesale Establishment” is considered a conditional use and is subject to special requirements and City Council approval.

- The applicant would need to install two new water service laterals for the new tenant spaces located along NE Salevan Place. The applicant must tap the existing 10” water main and provide individual meters for these spaces.
- Electric services shall be coordinated with the Electric Department.
- The applicant has indicated that sewer for each tenant space will be plumbed through the existing building and no new service laterals are needed.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request for the Conditional Use:

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

As shown on the attached zoning and location map exhibit, the property is bound on the north and east by residential properties containing single-family detached units. The property is surrounded on the north, west and south by other commercial type uses, including car repair operations, a convenience store, retail and office space. There is a church located south of the subject parcel along N. Rehoboth Boulevard as well.

B. An adjoining district in which the use is permitted.

The proposed uses are permitted by conditional use within the C-3 Highway Commercial zoning district. In addition, multiple permitted uses on the same property require conditional use approval from City Council.

C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

The Comprehensive Plan designates this area as Commercial, which is intended to provide an area with various types of commercial uses, including retail, office, service establishments, etc. The proposed use would best fall under the Commercial land use category.

D. There is sufficient area to screen the conditional use from adjacent different uses.

The subject parcel is an existing, developed commercial property containing existing buildings and parking areas. The proposed uses would be housed within the larger retail/warehouse space. No changes to the building footprint or parking lot, other than restriping, are required nor proposed by the applicant.

E. The use will not detract from permitted uses in the district.

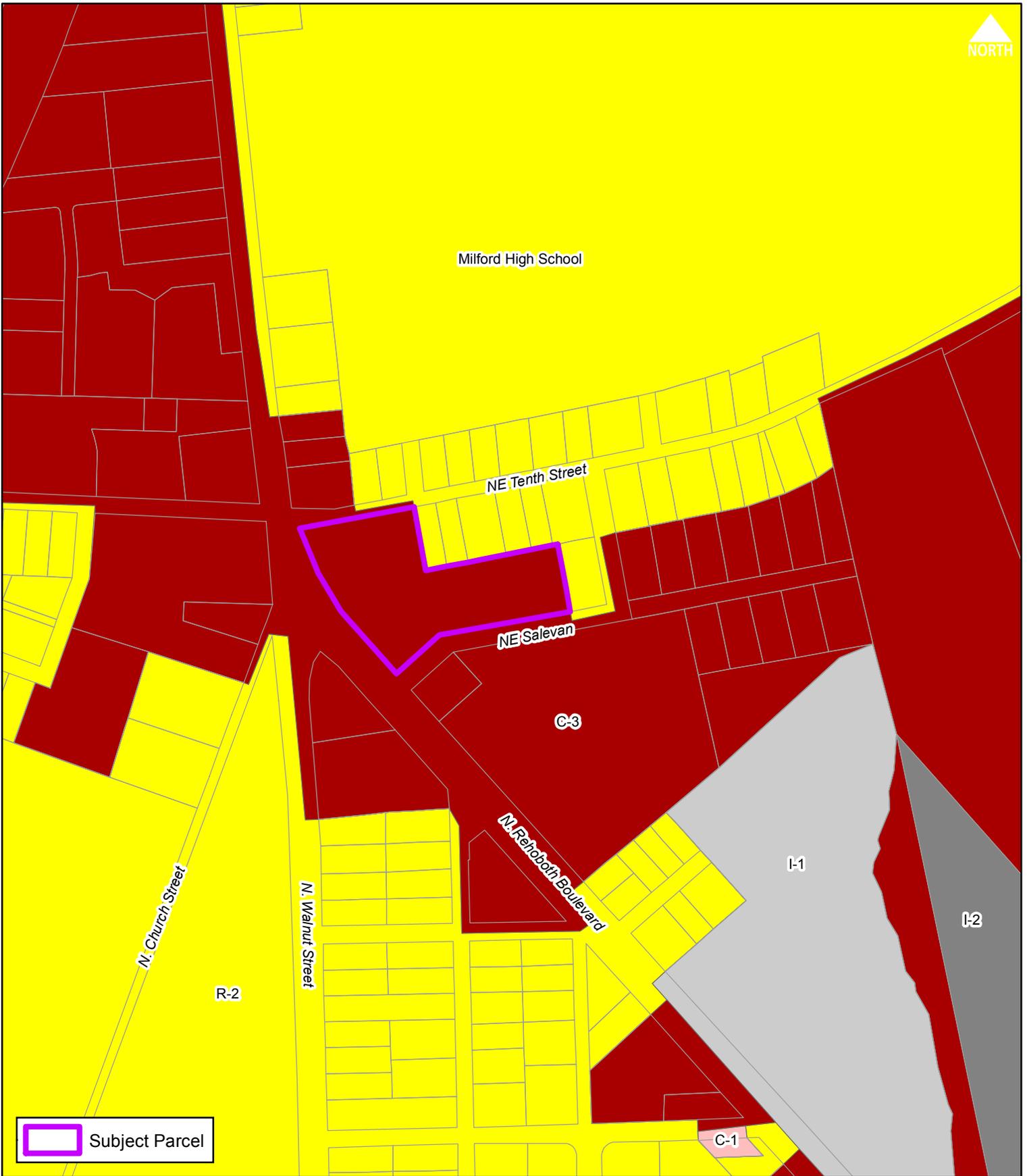
The proposed use will be located within an existing commercial building on an existing commercial property. The site meets the parking and loading standards set forth in

Chapter 230 zoning. The proposed use should not further impact other permitted uses in the district.

- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

The site is located along both State and City maintained roadways and no proposed changes to the site access are proposed, except for pedestrian improvements along N. Rehoboth Boulevard. The setbacks for the principal structures on the property do not meet the requirements of Chapter 230 and the structures are considered legal non-conforming. The proposed use should not further any adverse impacts on neighboring properties since all proposed improvements will be located within the existing structures and the site meets the parking and loading standards outlined in the City Code.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
 - The applicant must obtain approval from the State Fire Marshal's Office for the restriping of the parking lot and the parking lot shall be striped in accordance with the approved plan.
 - Sidewalk must be installed along the entire frontage of N. Rehoboth Boulevard with ADA accessible ramps at the entrance and provide markings for the pedestrian crossings at both entrances.
 - The applicant must obtain a building permit from the City of Milford for any interior renovations and commercial signage.



 Subject Parcel



Scale:  Feet
0 150 300

Drawn by: WRP Date: 04/02/18

Title:

Conditional Use
BP, LLC
Location & Zoning Map

Filepath: ConditionalUse_BPLLC.mxd

ALL DESIGN CONCEPTS, IDEAS AND DRAWINGS ARE THE PROPERTY OF ARCHITECTURE & DESIGN SERVICES. NO PART OF THIS DRAWING SHALL BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF ARCHITECTURE & DESIGN SERVICES. NO ALTERATIONS TO THIS DRAWING SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF ARCHITECTURE & DESIGN SERVICES.

REV. DATE:

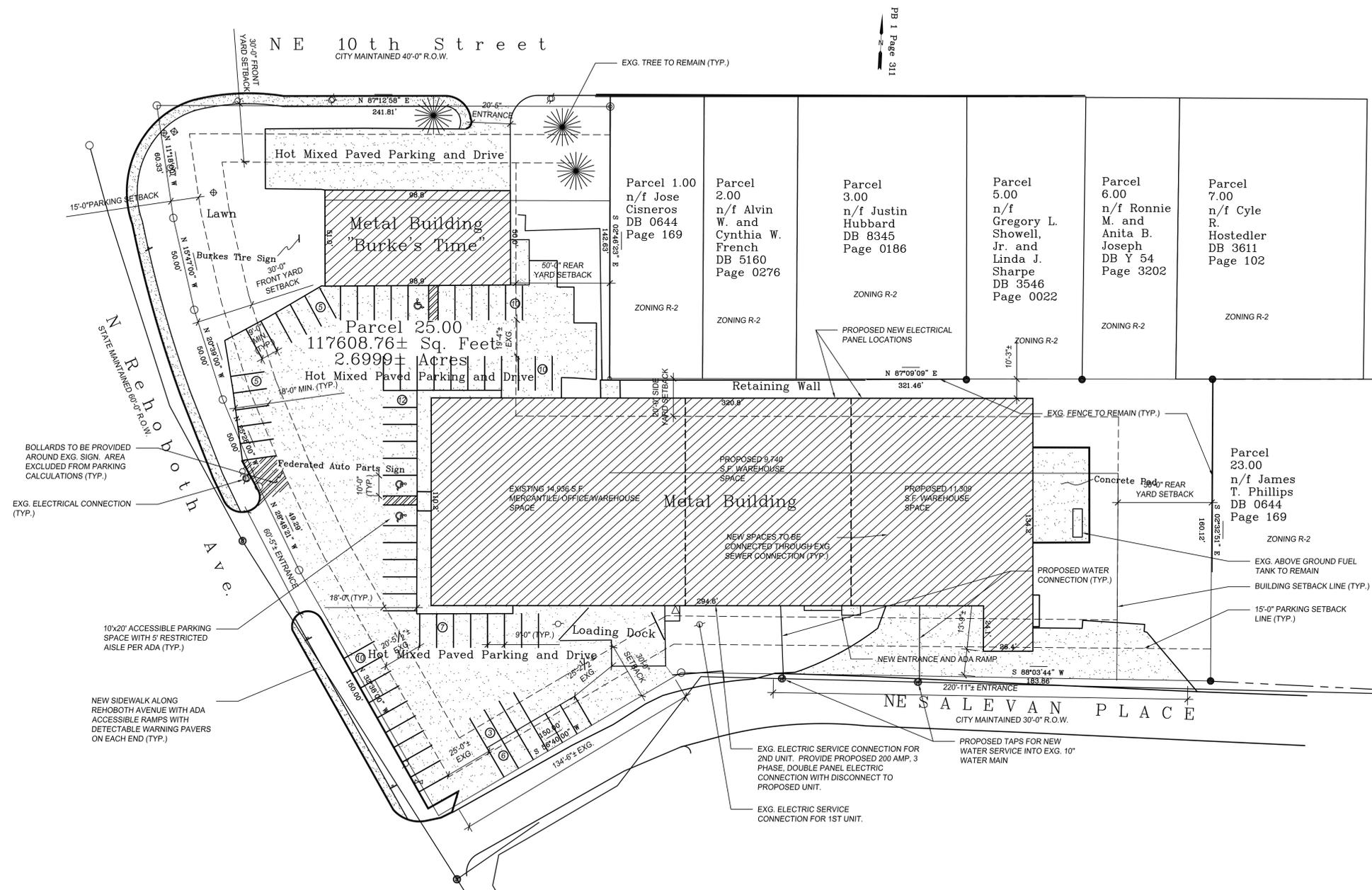
CONSTRUCTION DRAWING FOR THE NEW:
MANLOVE FEDERATED AUTOPARTS SUBDIVISION
601 N. REHOBOTH BLVD.
MILFORD, KENT COUNTY, DELAWARE

SITE PLAN

PROJECT #
17092

DATE:
04/04/2018

SHEET #
SD-0.01



PROPOSED SCOPE OF WORK:
DIVISIONS OF EXG. PREMANUFACTURED METAL BUILDING PREVIOUSLY UTILIZED AS WAREHOUSE INTO THREE SEPARATE TENANT SPACES TO BE UTILIZED AS WAREHOUSE OR WHOLESALE RETAIL SPACES

NO ALTERATIONS TO EXG. LANDSCAPING AND BUFFERS PROPOSED.

THE ONLY ALTERATION TO THE EXTERIOR WOULD BE A NEW FRONT DOOR AND ANY ADDITIONAL REQUIRED EMERGENCY EXITS PER BUILDING AND LIFE SAFETY CODE AND REQUIRED STAIRS/RAMPS.

PROPOSED TENANT SPACES TO BE SIMILAR TO EXISTING USAGE IN TYPE AND HOURS OF OPERATION

NO HAZARDOUS MATERIALS TO BE STORED ON SITE

ALL NEW TENANT SPACES WILL MEET ADA REGULATIONS AND CITY BUILDING CODE REQUIREMENTS.

PARKING LOT TO BE RE-STRIPED PER SITE PLAN AND IN ACCORDANCE WITH STATE FIRE MARSHAL REGULATIONS

SITE DATA:
TAX MAP NUMBER: 5-16-17418-03-25.00
OWNER: BARNARD PROPERTIES PARTNERSHIP
601 N REHOBOTH BLVD
PO BOX 179
MILFORD, DE 19963

SURVEY: JOHN KOACH ENGINEERING
DATED JUNE 28, 2017

EXG. ZONING: C3
PROPOSED ZONING: C3

EXISTING USE: RETAIL STORE WITH ASSOCIATED WAREHOUSE
PROPOSED USE: SMALLER VERSION OF EXISTING TENANT WITH SECOND AND THIRD TENANT SPACES FOR WAREHOUSE OR WHOLESALE RETAIL

REQUIRED LOT AREA: 1 ACRE
EXISTING/PROPOSED LOT AREA: 2.70 ACRES

REQUIRED SETBACKS:
FRONT: 30'-0"
SIDE: 20'-0" MIN. / 50'-0" AGGREGATE
REAR: 50'-0"

MAX. ALLOWABLE BUILDING HEIGHT: 35' (3 STORIES)
MAX. EXISTING/PROPOSED BUILDING HEIGHT: 24'-7 1/2' (1 STORY)

MAX. ALLOWABLE LOT COVERAGE: 80%
MAX. EXISTING/PROPOSED LOT COVERAGE: 76%

REQUIRED PARKING:
BURKES TIRE AND LUBE: 4,000 S.F. / 200 S.F. PER SPACE = 25 SPACES
MANLOVE FEDERATED AUTOPARTS
SALES FLOOR: 800 S.F. / 200 S.F. PER SPACE = 4 SPACES
WAREHOUSE: 12 EMPLOYEES = 6 SPACES
TOTAL: 31 SPACES
FUTURE WHOLESALE/WAREHOUSE TENANT 1
SALES FLOOR: 702 S.F. / 200 S.F. PER SPACE = 4 SPACES
WAREHOUSE: 4 EMPLOYEES = 2 SPACES
TOTAL: 6 SPACES
FUTURE WHOLESALE/WAREHOUSE TENANT 2
SALES FLOOR: 800 S.F. / 200 S.F. PER SPACE = 4 SPACES
WAREHOUSE: 4 EMPLOYEES = 2 SPACES
TOTAL: 6 SPACES
TOTAL REQUIRED PARKING: 47 SPACES
THIS CALCULATION ASSUMES 800 S.F. SALES AREAS AND 4 EMPLOYEES PER TENANT.
EXISTING/PROPOSED PARKING: 68 SPACES.
21 SPACES MORE THAN REQUIRED TO HANDLE EXTRA EMPLOYEES OR LARGER SALES FLOORS AND ASSUMED

UTILITY PROVIDERS: CITY OF MILFORD FOR WATER, SEWER, AND ELECTRIC

PROPOSED EDUS: 16 (8 EXISTING, 8 PROPOSED FOR NEW SPACES)

FEMA FLOOD MAP: 1005C0041K - SITE IS NOT IN 100 YEAR FLOODPLAIN

SITE DOES NOT CONTAIN ANY STATE OR FEDERALLY PROTECTED WETLANDS
SITE DOES NOT CONTAIN ANY SOURCE WATER PROTECTION AREAS

LEGEND

- ⊙ Rebar and Cap Found
- Iron Pipe Found
- ⊠ Fire Hydrant
- Property Line
- Fence
- ⊠ Signal Box
- ⊕ Guy Wire
- ⊕ Sign
- Property Corner
- ⊕ Water Valve
- ⊕ Manhole
- ⊕ Power Pole
- ⊕ Antenna

CITY ENGINEER APPROVAL:
CONSTRUCTION IMPROVEMENT PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD CONSTRUCTION SPECIFICATIONS AND DETAILS. THE OWNER AND HIS ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR DESIGN AND ACCURACY OF INFORMATION SHOWN HEREON.

SIGNATURE: _____ DATE: _____

CITY OF MILFORD APPROVAL:
CITY MANAGER: _____ DATE: _____

October 16, 2017

Re: Federated Autoparts Building

601 N Rehoboth Blvd, Milford, Delaware

Tax Map Number 5-16-17418-03-25.00

Zoning C3

We are requesting a conditional use approval to separate the premanufactured metal building located at the above address into three tenants. This is required by 230-45 of the zoning code that all multiple use buildings must be approved as a conditional use prior to acceptance of such. We are also seeking a conditional use approval to utilize the new tenant spaces for wholesale retail per code section 230-14.C(3). The proposed tenant spaces are currently unrented, however, we propose they will be used either as a warehouse as previously utilized by the existing tenant, or as a wholesale retailer such as a siding distributor with normal business hours and large bulk orders placed by a limited number of professional clients.

The proposed changes to this building include dividing the rear of the building into two new tenant spaces with a new firewall, bathrooms, and doors as required. The original use of this space was as a warehouse for the tenant who will maintain a smaller retail and warehouse space in the front of the building. The only exterior changes to the building would be a new front door into the middle tenant space with associated ADA accessible access and additional doors as required for compliance with building and life safety codes. The new spaces are intended to be rented out as warehouse spaces or wholesale retail spaces similar to the previous use of this portion of the building.

As there are no proposed changes to the area, massing, or usage of the building, we do not see any harm from this conversion from providing warehouse or wholesale retail for one larger tenant into two or three smaller tenants. The site does meet the required lot coverage and parking requirements as shown below in the calculations and tables below.

We do not see any impact on neighboring properties as the building is already being utilized for this purpose. The commercial neighbors to either side of the building and across Rehoboth Boulevard are all unlikely to be impacted by this change in any substantive manner. The residential neighbors on the rear of the building have already seen a reduction in the frequency and size of vehicle traffic to and from the warehouse space and we do not anticipate new tenants would eclipse the previous traffic on the site. We are also not currently anticipating storage of any hazardous materials or unusual hours of operation on the site.

Mark Redden, AIA

Lot Area: 117,608.76 s.f.

Building Areas: 4,992 s.f. (Burke's Tire and Lube)
36,000 s.f. (Metal Building to be divided)

Lot Coverage: 41,606 s.f. (Parking Lot)
4,517 s.f. (Parking and Drive)
1,544 s.f. (Concrete Pad at rear)

Allowable Lot Coverage: 80%
Proposed Lot Coverage: 75%

Tenant	Parking Required
Burke's Tire and Lube	4,992 s.f. / 200 s.f. per space = 25 spaces
Manlove Federated Autoparts	Sales Floor: 800 s.f. / 200 s.f. per space = 4 spaces Warehouse: 6 employees = 6 spaces Total: 10 spaces
Future Wholesale/Warehouse Tenant 1	Sales Floor: 792 s.f. / 200 s.f. per space = 4 spaces Warehouse: 4 Employees: 2 spaces Total: 6 spaces
Future Wholesale/Warehouse Tenant 2	Sales Floor: 800 s.f. / 200 s.f. per space = 4 spaces Warehouse: 4 Employees: 2 spaces Total: 6 spaces

This table assumes an 800 square foot sales area similar to the existing space at the front of the building and 4 employees per tenant. This brings us to a required parking count of 47 spaces. The actual number of spaces available on this lot is 69.

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
- (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
- (1) Motels or hotels with a minimum lot size of three acres.
 - (2) Commercial greenhouse.
 - (3) Wholesale establishment.
 - (4) Newspaper publishing or printing establishment.
 - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
 - (6) Laboratory, testing and research.
 - (7) Car repair shops.
 - (8) Used car lots.
 - (9) Telephone central office or television cable central office.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

- (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
- (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
 - [6] Parking lots shall be attractively landscaped as shown on the general site plan.
 - (e) Setback.
 - [1] From street right-of-way: 15 feet.
 - [2] From nonresidential districts: 15 feet.
 - [3] From residential districts: 100 feet.
 - (f) Buffering and landscaping.
 - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.
- (12) Day-care centers, with site plan required.
- (13) Car wash, all types (staffed, automatic, self-service, etc.).
- (14) Convenience stores with gas pumps.
- (15) Community residential treatment program.
- (16) All dwellings other than single-family with a maximum density of 12 units per acre.
- (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

(19) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.

(4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.

(5) Minimum building setback shall be 30 feet.

(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.

(7) Minimum rear yard shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

§ 230-45. - Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

A. The presence of adjoining similar uses.

B. An adjoining district in which the use is permitted.

C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

D. There is sufficient area to screen the conditional use from adjacent different uses.

E. The use will not detract from permitted uses in the district.

F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: MAY 15, 2018
CITY COUNCIL PUBLIC HEARING: JUNE 25, 2018

The City of Milford Planning Commission will hold a Public Hearing on **Tuesday, May 15, 2018** at 7:00 pm to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance. The City of Milford City Council will hold a Public Hearing on **Monday, June 25, 2018** at 7:00 pm to hear evidence from interested parties and make a final determination regarding the ordinance.

All Public Hearings are held in the Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware.

ORDINANCE 2018-16

JD Barnard on behalf of Barnard Properties Partnership for a Conditional Use to
allow multiple permitted uses or mixed uses on
2.70+/- acres in a C3 Zoning District;
Located at the southeast corner of intersection N Rehoboth Blvd and NE Tenth Street
at 601 N Rehoboth Blvd, Milford, Delaware.
Present Use: Retail, Wholesale Establishment with Associated Warehouse;
Proposed Use: Same with three suites
Tax Map MD-16-174.18-03-25.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on May 15, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on June 25, 2018 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow multiple permitted uses or mixed uses, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance by City Council, JD Barnard on behalf of Barnard Properties Partnership is hereby granted a Conditional Use Permit to allow multiple permitted uses or mixed uses, in accordance with the application, effective on the date so noted.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: May 15, 2018

City Council Introduction: June 11, 2018

City Council Public Hearing: June 25, 2018

Projected Adoption: June 25, 2018

Projected Effective: July 5, 2018

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 04/25/18

DATA SHEET FOR WILKERSON MINOR SUBDIVISION

Planning Commission Meeting: May 15, 2018

Application Number / Name	:	18-006 / Wilkerson Minor Subdivision
Applicant	:	David A. Wilkerson PO Box 78 Milford, DE 19963 & Atlantic Concrete Co., Inc. PO Box 321 Milford, DE 19963
Owner	:	Same
Application Type	:	Final Minor Subdivision/Lot Line Adjustment
Present Comprehensive Plan Map Designation	:	Industrial
Present Zoning District	:	I-1 (Limited Industrial District)
Present Use	:	Accessory Structure (Parcel 23.00) Vacant Land (Parcel 04.00)
Proposed Use	:	Same
Size and Location	:	16.856 +/- acres of land located at the east end of Wilkerson Terrace.
Tax Map & Parcel	:	MD-16-183.07-01-23.00 MD-16-183.08-01-04.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey

STAFF REPORT
April 9, 2018

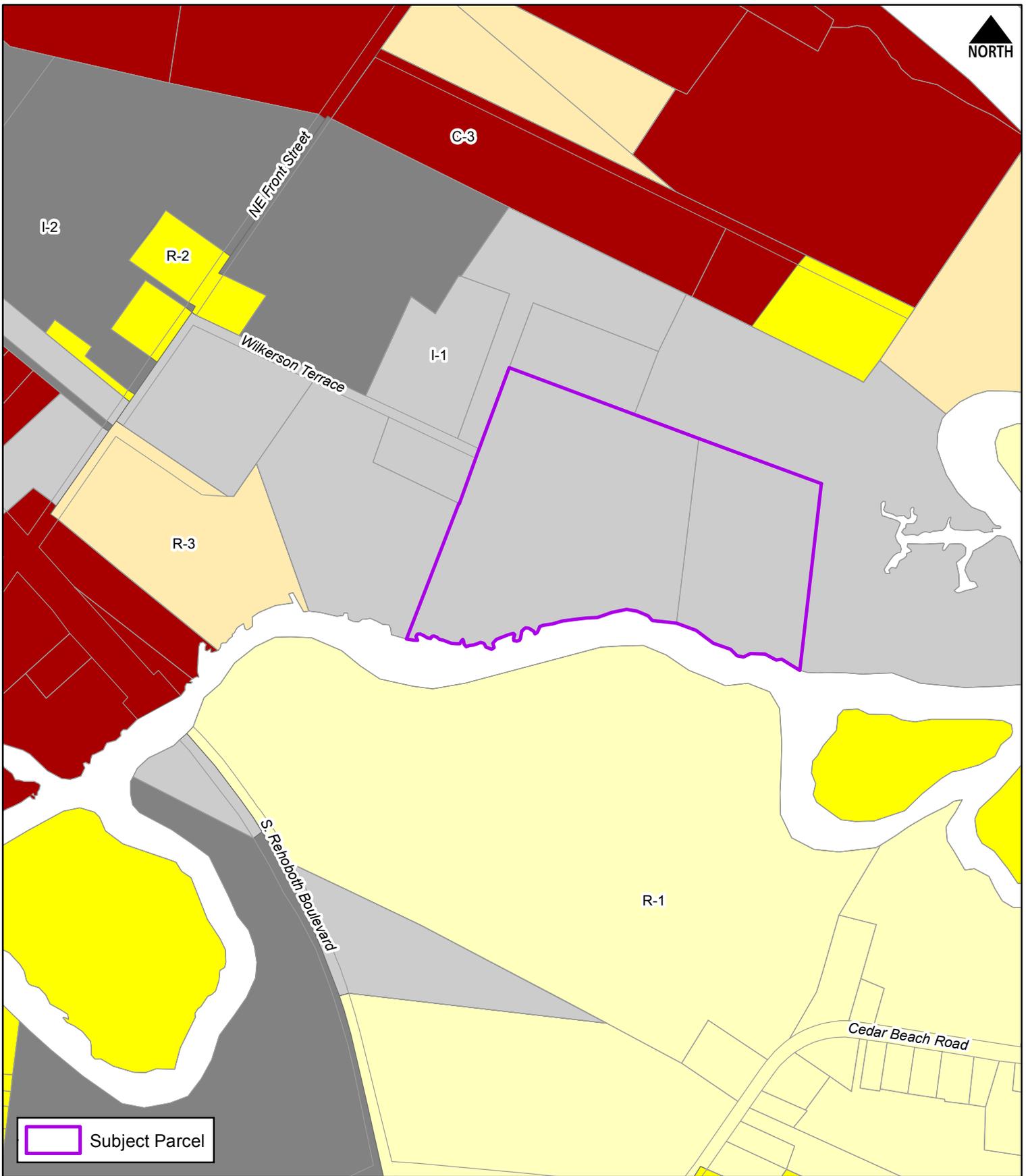
Application Number / Name	:	18-006 / Wilkerson Minor Subdivision
Present Comprehensive Plan Designation	:	Industrial
Present Zoning District	:	I-1 (Limited Industrial District)
Present Use	:	Accessory Structure (Parcel 23.00) Vacant (Parcel 04.00)
Proposed Use	:	Same
Tax Map & Parcel	:	MD-16-183.07-01-23.00 MD-16-183.08-01-04.00
Size and Location	:	16.856 +/- acres of land located at the east end of Wilkerson Terrace.

I. STAFF ANALYSIS:

- The applicant proposes to convey a 4.006+/- acre portion of Parcel 23.00 to Parcel 04.00 as shown on the provided lot line adjustment survey plan.
- In order to meet the lot width and road frontage requirement, the applicant proposes to dedicate an additional 150 linear feet of 30 foot right-of-way at the end of Wilkerson Terrace to the City of Milford. A note has been added to the plan stating that any future development on these parcels will require dedication of additional right-of-way, as required in Chapter 200 Subdivision of Land, to accommodate proper access to the site.

II. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited
- State Fire Marshal – No comments solicited

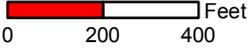


 Subject Parcel



 THE CITY of *Milford* DELAWARE

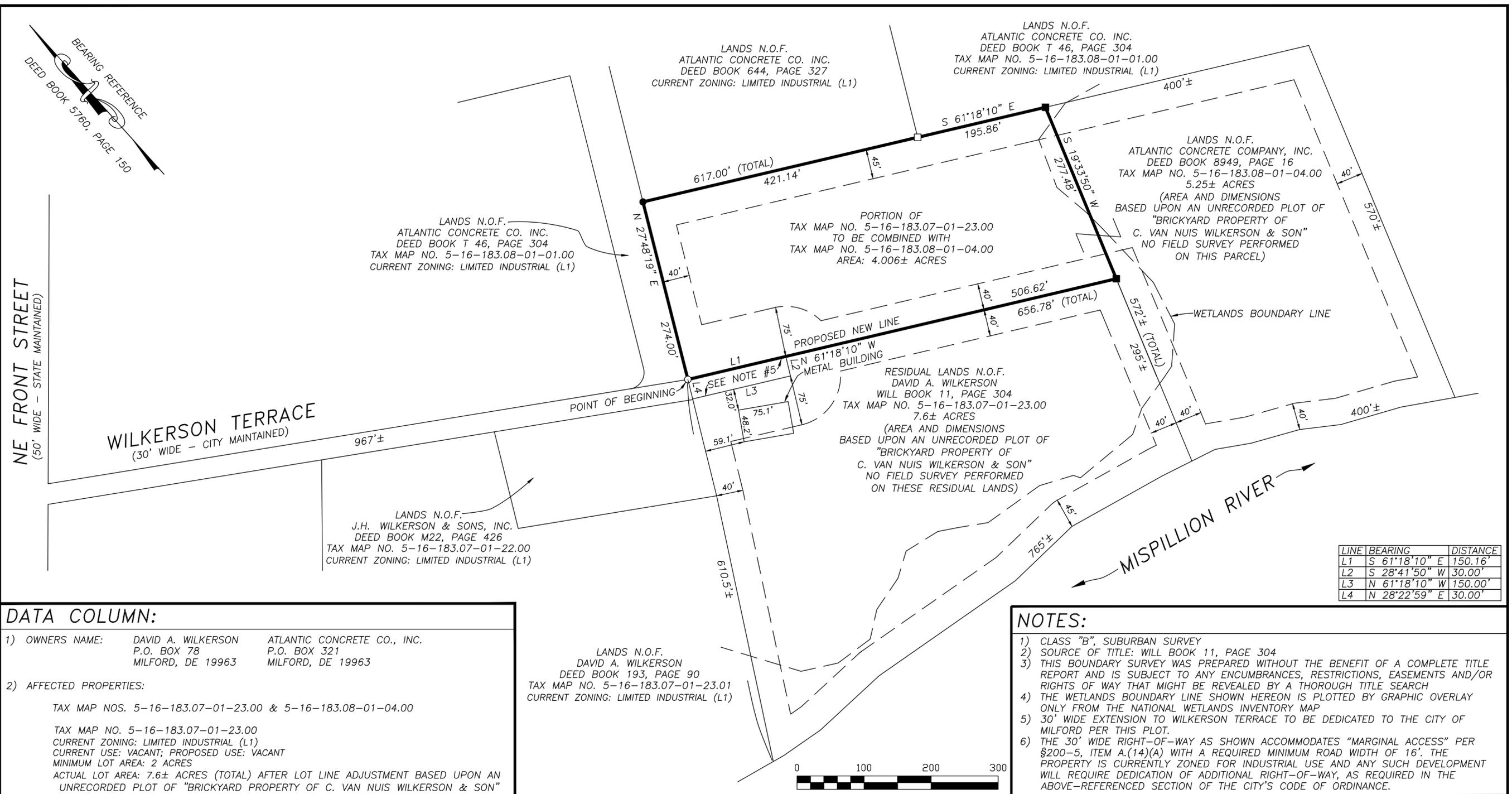
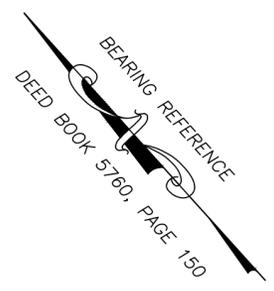
Filepath: Subdivision_Wilkerson.mxd

Scale:  Feet
 0 200 400

Drawn by: WRP Date: 02/05/18

Title:

Lot Line Adjustment
Wilkerson/Atlantic Concrete
Location & Zoning Map



LINE	BEARING	DISTANCE
L1	S 61°18'10" E	150.16'
L2	S 28°41'50" W	30.00'
L3	N 61°18'10" W	150.00'
L4	N 28°22'59" E	30.00'

DATA COLUMN:

1) OWNERS NAME: DAVID A. WILKERSON ATLANTIC CONCRETE CO., INC.
 P.O. BOX 78 P.O. BOX 321
 MILFORD, DE 19963 MILFORD, DE 19963

2) AFFECTED PROPERTIES:

TAX MAP NOS. 5-16-183.07-01-23.00 & 5-16-183.08-01-04.00

TAX MAP NO. 5-16-183.07-01-23.00
 CURRENT ZONING: LIMITED INDUSTRIAL (L1)
 CURRENT USE: VACANT; PROPOSED USE: VACANT
 MINIMUM LOT AREA: 2 ACRES
 ACTUAL LOT AREA: 7.6± ACRES (TOTAL) AFTER LOT LINE ADJUSTMENT BASED UPON AN UNRECORDED PLOT OF "BRICKYARD PROPERTY OF C. VAN NUIS WILKERSON & SON"
 MINIMUM LOT WIDTH: 150'; ACTUAL LOT WIDTH: 295'±
 MAXIMUM BUILDING HEIGHT: 50'
 MAXIMUM LOT COVERAGE: 60%; ACTUAL LOT COVERAGE: 1%
 FRONT SETBACK: 75 FEET
 REAR SETBACK: 45 FEET
 SIDE SETBACK: 40 FEET

TAX MAP NO. 5-16-183.08-01-04.00
 CURRENT ZONING: LIMITED INDUSTRIAL (L1)
 CURRENT USE: VACANT; PROPOSED USE: VACANT
 MINIMUM LOT AREA: 2 ACRES
 ACTUAL LOT AREA: 9.26± ACRES (TOTAL) AFTER LOT LINE ADJUSTMENT BASED UPON AN UNRECORDED PLOT OF "BRICKYARD PROPERTY OF C. VAN NUIS WILKERSON & SON"
 MINIMUM LOT WIDTH: 150'; ACTUAL LOT WIDTH: 274.00'
 MAXIMUM LOT COVERAGE: 60%; ACTUAL LOT COVERAGE: 0%
 MAXIMUM BUILDING HEIGHT: 50'
 FRONT SETBACK: 75 FEET
 REAR SETBACK: 45 FEET
 SIDE SETBACK: 40 FEET

3) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "X" AND ZONE "A" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10005C41K, EFFECTIVE DATE: MARCH 16, 2015

4) PROPERTY DOES NOT INCLUDE SOURCE WATER PROTECTION AREAS AS PER THE DNREC ENVIRONMENTAL NAVIGATOR.

5) PROPERTY INCLUDES WETLANDS AS PER THE DNREC ENVIRONMENTAL NAVIGATOR.

LANDS N.O.F.
 DAVID A. WILKERSON
 DEED BOOK 193, PAGE 90
 TAX MAP NO. 5-16-183.07-01-23.01
 CURRENT ZONING: LIMITED INDUSTRIAL (L1)



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: WILL BOOK 11, PAGE 304
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) THE WETLANDS BOUNDARY LINE SHOWN HEREON IS PLOTTED BY GRAPHIC OVERLAY ONLY FROM THE NATIONAL WETLANDS INVENTORY MAP
- 5) 30' WIDE EXTENSION TO WILKERSON TERRACE TO BE DEDICATED TO THE CITY OF MILFORD PER THIS PLOT.
- 6) THE 30' WIDE RIGHT-OF-WAY AS SHOWN ACCOMMODATES "MARGINAL ACCESS" PER §200-5, ITEM A.(14)(A) WITH A REQUIRED MINIMUM ROAD WIDTH OF 16'. THE PROPERTY IS CURRENTLY ZONED FOR INDUSTRIAL USE AND ANY SUCH DEVELOPMENT WILL REQUIRE DEDICATION OF ADDITIONAL RIGHT-OF-WAY, AS REQUIRED IN THE ABOVE-REFERENCED SECTION OF THE CITY'S CODE OF ORDINANCE.

OWNER'S CERTIFICATION:

I, DAVID A. WILKERSON HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN (TAX MAP NO. 5-16-183.07-01-23.00), THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DAVID A. WILKERSON DATE

OWNER'S CERTIFICATION:

I, DAVID A. JONES, ON BEHALF OF ATLANTIC CONCRETE CO. INC. HEREBY CERTIFY THAT THEY ARE THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN (TAX MAP NO. 5-16-183.08-01-04.00), THAT THE PLAN WAS MADE AT THEIR DIRECTION, AND THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND THAT THEY DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DAVID A. JONES, PRESIDENT DATE

LEGEND:

- FOUND IRON BAR
- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- SET IRON BAR
- BUILDING SETBACK LINE

Prepared By
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

R.B. KEMP, III, P.L.S. 541

LOT LINE ADJUSTMENT SURVEY PLAN

PREPARED FOR
DAVID A. WILKERSON & ATLANTIC CONCRETE CO. INC.

SITUATED IN
 CITY OF MILFORD, MILFORD HUNDRED, KENT COUNTY, STATE OF DELAWARE
 SCALE: 1" = 100'
 DATE: DECEMBER 19, 2017, REVISED: JANUARY, 8, 2018
 REVISED: JANUARY 15, 2018, REVISED: FEBRUARY 9, 2018
 REVISED: MARCH 2, 2018, REVISED: MARCH 9, 2018

Chapter 200 - SUBDIVISION OF LAND

§ 200-1. - Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

§ 200-2. - Title.

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

§ 200-3. - Definitions.

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

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

- (1) Community gardens;
- (2) Promotion of conservation and protection of wildlife;
- (3) Perpetual conservation easements;
- (4) Parks, plazas, walkways, sidewalks and trails;
- (5) Buffers or forested areas; or
- (6) For recreational uses as defined herein.

Open space shall not include areas of land for the following unless otherwise approved by Council:

- (1) Wetlands or stormwater management facilities;
- (2) Drainage easements;
- (3) Flagpole areas;
- (4) Medians (unless designed as a park);
- (5) Signage areas;
- (6) Landscaping in parking areas;
- (7) Predominantly impervious surfaces such as streets and parking lots;
- (8) Required front, side, or rear yards;
- (9) Any land included within designated lot lines; or
- (10) Utility facilities for uses such as sewer, water, gas or electric.

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;
- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

- A. **ARTERIAL STREET and HIGHWAY** — A street primarily used for fast and/or heavy traffic.
- B. **COLLECTOR STREET** — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. **MINOR STREET** — A street primarily used for access to the abutting properties.
- D. **MARGINAL ACCESS STREET** — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. **DEAD-END STREET or CUL-DE-SAC** — A street closed at one end and having only one connection with any other street.
- F. **HALF STREET** — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, Chapter 230, Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

§ 200-4. - Application procedure.

A. Preliminary approval.

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
- (4) City Council shall grant preliminary approval of the application with or without conditions, deny the application, or table the application.
- (5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.

B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.

- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. - General requirements and design standards.

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in § 200-6:

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
 - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

Street Type (feet)	Right-of-Way Roadway (feet)	
	Arterial	80 to 110
Collector	60	28
Minor, for townhouses and apartments	60	30
Minor, for other residences	50	25
Dead-end	50	22
Marginal access	30	16
*Alley	20	12

Note:

* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.

- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.
- (16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.
- (17) Street names.
 - (a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

General direction	Long	Short (under 1,000 feet)
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or Circles

(b) Arterial streets shall be named "boulevards."

- (18) Street grades shall not exceed 5%.
- (19) Street grades shall be not less than 0.5% wherever feasible.
- (20) Changes in street grades shall be connected by vertical curves of suitable length.
- (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
- (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.

B. Sidewalks and curbs.

- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:
 - (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
- (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
- (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.

- C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.
- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.
 - (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
 - (5) All lots in a subdivision shall have frontage on a public street.
 - (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
 - (7) Side lot lines shall be at right angles or radial to street lines.
 - (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
 - (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.
- F. Parks, playgrounds, open spaces, school sites and natural features.
- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the

subdivision, in those cases in which the Commission deems such requirements to be reasonable.

- (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code. ² In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
 - (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
 - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H. Improvements.
- (1) In major subdivisions the following improvements are required:
 - (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
 - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.

- (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
- (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
- (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
- (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
- (4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 200-6. - Variances and waivers.

Applicants may request, at the time of application submission, the varying or waiving of requirements of Chapter 200, and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter 230, Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

§ 230-16. - I-1 Limited Industrial District.

In an I-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the I-1 District shall be as follows:
- (1) All permitted uses of the OC-1 District and BP District. [Ord. No. 2017-03, § 1, 2-27-2017]
 - (2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
 - (3) Research, design, testing and development laboratories.
 - (4) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
 - (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
 - (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be closer than 500 feet to any school or building(s) used for assembly.
- C. Prohibited uses. The following are expressly prohibited in an I-1 District:
- (1) Residences, except those in existence at the time of adoption of this amendment.
 - (2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.
 - (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.
 - (4) Operations involving slaughterhouses, stockyards or slag piles.
 - (5) Storage of explosives and bulk or wholesale storage of gasoline above ground.
 - (6) Quarries, stone crushers, screening plants and all associated uses.
 - (7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

- D. Conditional uses. The following uses are permitted in the I-1 District, in accordance with the provisions within Article IX (conditional use portion) of this chapter:
- (1) Airfields or airpark facilities.
 - (2) Mini-warehouses or public storage facilities.
 - (3) Radio-television facilities.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
- (1) Accessory uses shall not be permitted without a principal use.
 - (2) Any uses not permitted, as previously listed, are prohibited.
 - (3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.
 - (4) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.
 - (5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.
 - (6) All fencing shall be properly maintained.
 - (7) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
 - (8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
 - (9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).
 - (10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.
 - (11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.
 - (12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
 - (13) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.
 - (14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

(15) All I-1 District projects and proposals are subject to site plan review by the Planning Commission.

F. Area and height regulations.

- (1) Minimum lot area shall be two acres.
- (2) Maximum lot coverage shall be 60%, with the remainder being that of grass and landscape areas. Parking areas shall be landscaped.
- (3) Minimum lot width shall be 150 feet.
- (4) Maximum building height shall be 50 feet.
- (5) Minimum front yard setback shall be 75 feet.
- (6) Minimum side yard setback shall be 40 feet.
- (7) Minimum rear yard setback shall be 45 feet.
- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening. See Article V of this chapter.
- (10) Sign requirements. See Article VI of this chapter.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 45 feet from the rear lot line.

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: MAY 15, 2018
CITY COUNCIL PUBLIC HEARING: JUNE 25, 2018

NOTICE IS HEREBY GIVEN the City of Milford Planning Commission will hold a Public Hearing on **Tuesday, May 15, 2018** at 7:00 pm to hear evidence from interested parties and make a recommendation to City Council regarding the following matter. The City of Milford City Council will hold a Public Hearing on **Monday, June 25, 2018** at 7:00 pm to hear evidence from interested parties and make a final determination regarding the following matter.

All Public Hearings are held in the Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware.

Atlantic Concrete Company Inc for a Final Minor Subdivision
of 5.30+/- acres in an R2 Zoning District;
Located on Wilkerson Terrace, Milford, Delaware
Tax Map MD-16-183.08-01-04.00

AND

David A. Wilkerson for a Final Minor Subdivision
of 11.70+/- acres in an I1 Zoning District;
Located at 300 Wilkerson Terrace, Milford, Delaware
Tax Map MD-16-183.07-01-23.00

All interested parties are hereby notified to be present for the review and recommendation by the Planning Commission to City Council and express their views before a final decision is rendered by City Council. If unable to attend the hearings, written comments will be accepted up to one week prior to the hearings.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

By: Christine Crouch, CMC
Deputy City Clerk

Advertised: Beacon 04/25/18

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SPONSOR: Sen. McDowell & Rep. Heffernan

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 265

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO RENEWABLE ENERGY PORTFOLIO STANDARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 354, Title 26 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 354. Renewable energy portfolio standards, eligible energy resources and industrial exemption.

4 (i)(1) ~~The State Energy Coordinator in consultation with the Commission, The Director of the Division of Energy~~
5 and Climate of DNREC may freeze the minimum cumulative solar photovoltaics requirement for regulated utilities if the
6 ~~Delaware Energy Office~~ Division of Energy and Climate of DNREC determines that the annual change in the total cost of
7 complying with this requirement during a compliance year exceeds ~~4%~~ 0.5% of the total retail cost of electricity for
8 customers of retail electricity suppliers during the same compliance year.

9 (2) In the event of a freeze, the minimum cumulative percentage from solar photovoltaics shall remain at the
10 percentage for the year in which the freeze is instituted. The freeze shall be lifted upon a finding by the ~~Coordinator, in~~
11 ~~consultation with the Commission, Director of the Division of Energy and Climate of DNREC~~ that the annual change
12 in the total cost of compliance can reasonably be expected to be under the ~~4%~~ 0.5% threshold.

13 (3) ~~The total cost of compliance shall include the costs associated with any ratepayer funded state solar rebate~~
14 ~~program, SREC purchases, and solar alternative compliance payments.~~ The total cost of compliance under this
15 subsection includes the costs associated with any ratepayer-funded state solar rebate program; the cost of SRECs
16 generated by solar photovoltaics, as defined by § 352(6)a. of this title; and solar alternative compliance payments
17 utilized by the commission-regulated electric utility under § 353(a) of this title to comply with the requirements of this
18 section.

19 (j)(1) ~~The State Energy Coordinator in consultation with the Commission, The Director of the Division of Energy~~
20 and Climate of DNREC may freeze the minimum cumulative eligible energy resources requirement for regulated utilities if
21 the ~~Delaware Energy Office~~ Division of Energy and Climate of DNREC determines that the annual change in the total cost

22 of complying with this requirement during a compliance year exceeds ~~3%~~ 1% of the total retail cost of electricity for
23 customers of retail electricity suppliers during the same compliance year.

24 (2) In the event of a freeze, the minimum cumulative percentage from eligible energy resources shall remain
25 at the percentage for the year in which the freeze is instituted. The freeze shall be lifted upon a finding by the
26 Coordinator, in consultation with the Commission, Director of the Division of Energy and Climate of DNREC that the
27 annual change in the total cost of compliance can reasonably be expected to be under the 3% 1% threshold.

28 (3) The total cost of compliance shall include the costs associated with any ratepayer funded state renewable
29 energy rebate program, REC purchases, and alternative compliance payments. The total cost of compliance under this
30 subsection includes the costs associated with any ratepayer-funded state solar rebate program, the cost of RECs and
31 SRECs generated by eligible energy resources, and alternative compliance payments utilized by the commission-
32 regulated electric utility under § 353(a) of this title to comply with the requirements of this section.

33 (k) DNREC shall adopt rules and regulations to specify the procedures for exercising its duties under subsections
34 (i) and (j) of this section.

35 Section 2. Amend § 362, Title 26 of the Delaware Code by making deletions as shown by strike through and
36 insertions as shown by underline as follows:

37 § 362. Rules and regulations.

38 (b) For regulated utilities, the Commission shall further adopt rules and regulations to specify the procedures for
39 ~~freezing~~ implementing a decision of the Director of the Division of Energy and Climate of DNREC to freeze the minimum
40 cumulative solar photovoltaic requirement and eligible energy resources requirement as authorized under § 354(i) and (j) of
41 this title, and for adjusting the alternative compliance payment and solar alternative compliance payment as authorized
42 under § 358(d)(4) and (e)(3) of this title.

43 Section 4. This Act takes effect 90 days after its enactment into law.

SYNOPSIS

This Act amends the Renewable Energy Portfolio Standards Act (REPSA) to provide for a workable cost cap to protect Delmarva Power customers from sharp annual increases in their bills due to the cost of procuring renewable energy.

This Act authorizes the Director of the Division of Energy and Climate of the Department of Natural Resources and Environmental Control (DNREC) to freeze the renewable portfolio standard (RPS) if the cost of compliance to Delmarva Power customers increases by more than 1% a year, or 0.5% for solar power, without shutting down the RPS permanently. However, this Act requires the Director to lift a freeze if the increase in costs is expected to fall below the annual cost caps.

This Act revises the RPS cost cap provisions by making it clear that the cost caps measure the annual increase in the cost of compliance with REPSA. This Act reduces the cost cap thresholds from 3% to 1% for renewable energy overall and from 1% to 0.5% for solar energy.

Finally, the Act delineates the authority to promulgate regulations on the part of DNREC and the Public Service Commission to avoid any regulatory conflict and ensure that the agencies work together to implement REPSA while protecting customers from sharp cost increases.

Author: Senator McDowell

DEMEC

Delaware Municipal Electric Corporation



DEMEC Talking Points SB 265 Relating to Renewable Portfolio Standards (RPS)

June 25, 2018

***This bill represents the worst of the legislative process. Presented to satisfy the few at the expense of the many. The sponsors did not make any good faith effort to speak with the utilities, or to our knowledge, anybody else before putting this forward. They are supposed to represent, not dictate.**

This also seeks to wipe out the legislative compact between the legislature and the utilities that was struck in 2006. It is a shining example of bad legislation. *

1. Proposed language seeks to clarify authority to enact an RPS freeze
 - a. Proposed bill removes ambiguity and places the decision “To Freeze or Not to Freeze” more squarely in the hands of the Division of Energy and Climate.
 - b. Removes consultation with Delmarva Power’s regulatory body (Public Service Commission) from statute

DEMEC’s Talking Point:

The proposed language could be interpreted as a precedent setting action to remove a piece of regulatory control from local regulatory bodies. For example, the next step could be to remove the municipal council/board as the regulatory body of their municipal RPS.

2. Proposed language results in customers paying more money before an RPS freeze could be considered
 - a. Proposed freeze percentage changes means a freeze for Delmarva Power will now be determined based on the *incremental* difference in RPS cost from one year to another versus the *overall* total cost of the RPS to the customers.

DEMEC’s Talking Point:

This language does not “protect” customers as stated in the synopsis. Instead it actually *increases* costs to electric customers. Using incremental annual changes to determine a freeze does not address the total overall cost of the RPS to customers.

3. Proposed language results in loss of utility RPS Program Comparability
 - a. Current statute freeze language for Delmarva Power vs Muni and DE Coop is somewhat different but very similar.

DEMEC's Talking Point:

Changing Delmarva Power's RPS freeze language makes the Muni and Coop's special provisions stand out more as "different/not comparable". If DEMEC and DE Coop opt to freeze the RPS Standard, a question of comparability and fairness may be raised potentially giving cause for future legislative action taking away that exemption.

4. Proposed language eliminates the "Cost of Other Renewables Funded by Rebates" from the RPS Freeze Cost equation
 - a. This language only looks at the cost of solar, not the cost of all renewable technologies that the Green Energy Fund can be used for, including solar water heating, wind, and fuel cells.

DEMEC's Talking Point:

By only looking at solar, the freeze calculation results in understating the *true costs* of all renewables, which results in electric customers paying more.

What can you do?

1. **URGENT ACTION REQUESTED:** Call your legislators or legislative contacts and encourage them to not support SB 265. Our understanding is that the sponsors of this bill are trying to get it passed before the end of session on Saturday, June 30th, 2018.
2. Spread the word on social media and with friends and family throughout Delaware that this is bad for all electric customers.

If you have any follow-up questions, call Kimberly Schlichting at DEMEC: 302-653-2733



SPONSOR: Rep. Mulrooney & Sen. McDowell
Reps. Brady, Kowalko, Lynn, Paradee; Sen. Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 480

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO NET ENERGY METERING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 10, Title 26 of the Delaware Code, by making deletions as shown by strike through,
2 insertions as shown by underline and redesignate as follows:

3 § 1014 Public purpose programs and consumer education.

4 (e) The rules and regulations promulgated for net energy metering by the Commission, municipal electric
5 companies, and electric cooperatives during any period of exemption under § 223 of this title shall:

6 (2) Provide for customers participating in a community-owned energy generating facility to be ~~credited in~~
7 ~~kilowatt hours (kWh), valued at an amount per kWh equal to supply service charges according to each account's rate~~
8 ~~schedule for any excess production of the community-owned energy generating facility. For customers that host a~~
9 ~~community-owned energy generating facility or where all participating customers are located on the same distribution~~
10 ~~feeder as a community-owned energy generating facility, credit~~ credited a monetary value equal to the in kWh rate
11 ~~shall be valued~~ according to each account's rate schedule and the rules and regulations promulgated for net energy
12 metering under paragraph (e)(1) or (3) of this section. Excess kWh credits shall be credited to subsequent billing
13 periods to offset customers' consumption in those billing periods. At the end of the annualized billing period, a
14 customer participating in a community-owned generating facility ~~community~~ may request a payment from the electric
15 supplier for any excess kWh credits. ~~The payment shall be calculated by multiplying the excess kWh credits by the~~
16 ~~supply service rate of the account hosting the community-owned energy generating facility.~~ Such payment shall be
17 made to the ~~account hosting~~ customer participating in the community-owned energy generating facility, and may be
18 credited to the account through monthly billing if less than \$25. Any excess kWh credits shall not reduce any fixed
19 monthly customer charges, excluding demand charges, imposed by the electric supplier. The customers participating in
20 a community-owned energy generating facility retain ownership of all RECs associated with electric energy produced
21 unless the customer has relinquished such ownership by contractual agreement with a third party.

22 (9) Absent the promulgation of rules and regulations pursuant to paragraph (e)(3) of this section, individual
23 customers may aggregate their individual meters in conjunction with a community-owned energy generating facility,
24 provided that:

25 a. A community includes customers sharing a unique set of interests; and

26 b. Electric suppliers, DEC, DP&L, and municipal electric companies shall only allow meter aggregation
27 for customer accounts of which they provide electric supply service; and

28 ~~e. A community-owned energy generating facility is designed to produce no more than 110% of the~~
29 ~~community's aggregate electrical consumption of its individual customers, calculated on the average of the 2~~
30 ~~previous 12-month periods of actual electrical usage at the time of installation of energy generating equipment. For~~
31 ~~new building construction, electrical consumption will be estimated at 110% of the consumption of units of similar~~
32 ~~size and characteristics at the time of installation of energy generating equipment; and~~

33 d. A community-owned energy generating facility shall not exceed a capacity of ~~the sum total of the~~
34 ~~individual unit allowances as defined under paragraph (d)(1) of this section among the participants of a~~
35 ~~community-owned energy generating facility~~ 5MWac; and

36 e. Community-owned energy generating facilities may include technologies defined under § 352(6)a.-h.
37 of this title;

38 f. Before a community-owned net energy metering system may be formed and served by an electric
39 supplier, DP&L, DEC, or municipal electric company, the community proposing a community-owned energy
40 generating facility shall file with the Delaware Energy Office and the electric supplier, DP&L, DEC, or the
41 appropriate municipal electric company a description of the energy generating facility, including the facility's host
42 location, capacity, and fuel type or generating technology. ~~the following information:~~

43 ~~1. A list of individual meters the community desires to aggregate identified by name, address, and~~
44 ~~account number; and~~

45 ~~2. A description of the energy generating facility, including the facility's host location, capacity, and~~
46 ~~fuel type or generating technology; and~~

47 ~~3. The quantity of kWh credits attributed to each customer, which the electric supplier, DP&L, DEC,~~
48 ~~or the appropriate municipal electric company shall true-up at the end of the annualized billing period;~~

49 g. A community may change its list of aggregated meters no more than monthly ~~quarterly~~ by providing
50 90 days' written notice to the electric supplier, DP&L, DEC, or the appropriate municipal electric company; and

51 h. If the community removes individual customers from the aggregate, the community shall either
52 replace the removed customers, ~~reduce the generating capacity of the community-owned energy generating facility~~
53 ~~to remain compliant with the provisions provided under paragraphs (e)(9)c. and d. of this section, or negotiate with~~
54 ~~the electric supplier, DP&L, DEC, or the appropriate municipal electric company to establish a mutually~~
55 ~~acceptable agreement for any excess kWh credit~~ or the community shall be paid at the Utility's avoided cost for
56 any energy that is unallocated;

57 i. An electric supplier, DP&L, DEC, or municipal electric companies may require that customers
58 participating in a community-owned energy generating facility have their meters read on the same billing cycle;
59 and

60 j. Neither customers nor owners of community-owned energy generating facilities shall be subject to
61 regulation as either public utilities or an electric supplier.

62 (10). The Delaware Renewable Energy Taskforce, in consultation with the Delaware Sustainable Energy Utility
63 and one or more organizations representing low income communities, shall make recommendations to the Governor, the
64 General Assembly, and the Commission by April 1, 2019, to ensure at least 15 percent of the estimated annual generating
65 capacity of all community-owned generating facilities, in the aggregate, is dedicated to low and moderate income
66 customers, including low-income customers residing in all housing types including single-family and multifamily
67 residences. Recommendations shall include incentives and measures such as higher prices for solar renewable energy
68 credits, higher customer bill credits, credit adders, training opportunities, or other mechanisms to ensure low-income,
69 moderate-income, and affordable housing customers participation in community owned generating facilities. Incentives
70 shall differentiate for financing barriers faced by low-income residential customers, affordable housing providers, and low-
71 income service organizations and be structured to ensure tangible economic benefits for these customers. The Commission
72 shall consider and implement recommendations by June 1, 2019. The Renewable Energy Taskforce and the Sustainable
73 Energy Utility shall update their recommendations annually.

74 Section 2. This Act shall become effective upon enactment.

SYNOPSIS

This legislation increases access to Delaware's existing community solar program by expanding geographic eligibility requirements of the program. The legislation also ensures 15% of all community solar facilities provide savings to low-to-moderate income households, and enables community solar facilities to reach 5 megawatts in size, which will maximize solar savings and grow the number of homes that can subscribe to a program.

DEMEC

Delaware Municipal Electric Corporation



DEMEC Talking Points HB 480 Relating to Net Metering

June 25, 2018

***This bill represents the worst of the legislative process. Presented to satisfy the few at the expense of the many. The sponsors did not make any good faith effort to speak with the utilities, or to our knowledge, anybody else before putting this forward. They are supposed to represent, not dictate.**

This also seeks to wipe out the legislative compact between the legislature and the utilities that was struck in 2006. It is a shining example of bad legislation. *

1. Proposed language changes Community solar credit from kilowatt hours (kWh's) to monetary refund
 - a. Requires participants to be credited in a monetary value equal to the kWh rate instead of kWh credits

DEMEC's Talking Point:

The purpose of net metering is to zero out one's electric bill, not to encourage individual power producing systems to generate revenue potentially costing the city/town more money that could have gone back into benefiting the entire community.

2. Proposed language seeks to have monetary credits pay for demand charges
 - a. Legislation changes the crediting from kWh to monetary (*like issue #1*)
 - b. Legislation would allow monetary payments for demand charges

DEMEC's Talking Point:

kWh and kW demand charges are different. Crediting one with the other is not appropriate because kWh's produced in a non-peak time to pay for peak energy use is does not produce a net-zero balance due to the difference in the cost of electricity at those times, therefore credits should remain in kWh form not monetary.

3. Proposed language increases community solar system size limits from consumption-based sizing to up to 5 megawatts (MW)
 - a. The system is no longer limited to the consumption of the customer but rather to a flat 5MW limit

DEMEC's Talking Point:

Net metering is based on customer consumption for a reason. True net metering is where a customer nets out their bill to zero. Instead this bill encourages customers to consistently over produce and receive payments from the utility. This results in higher electric bills for other customers.

4. Proposed language eliminates information sharing with the electric utility about the customers participating in the community solar system
 - a. Removes the need to provide the Delaware Energy Office or the utility with information about who is participating and who gets how many credits

DEMEC's Talking Point:

Utilities need to know who their customers are, so they can be billed correctly. This bill will increase overall cost to all customers because the utility cannot make informed power purchase decisions without total, accurate information about all its customers. This reduces price certainty and makes it harder for the utility to control costs and provide customers with reliable electric service.

5. Proposed language increases the number of times participants can change annually from 4 times a year to 12 times a year

DEMEC's Talking Point:

Typically, electric suppliers don't contract for less than 6 months. This reduces administrative overhead, billing confusion, and burdensome tracking to the supplier and utility. Net metering customers should be limited to the number of times they can switch for the same reasons: Again, this reduces price certainty and makes it harder for the utility to control costs and provide customers with reliable electric service.

6. Proposed language has no third-party energy supplier requirement for participant commitment regarding community solar
 - a. Makes a provision that if customers leave a third-party community solar program that there is not a responsibility or requirement for the developer to replace customers or reduce the system size

DEMEC's Talking Points:

- **Results in the electric utility being forced to pay for production they did not request nor need, increasing costs for all customers.**
- **There is not a responsibility on the community solar system owner to keep supplying customers or even have them.**
- **This means a solar company can come into a utility, have up to 5MW worth of access and not have any customers, but force the utility to pay "avoided**

cost[s]” without regard if the utility needs that electricity or not. Utilities hedge costs years in advance so this provision will add cost either by 1) causing the utility to buy redundant solar electric it does not need 2) cause the utility to remain less hedged to avoid buying redundant electricity but face higher unhedged market premiums for solar systems that do not deliver on time nor required by contract to deliver on time, ultimately reducing price certainty and cost control for the local utility.

- This legislation would further exacerbate the current loop hole in Delaware regulations regarding third party suppliers. Solar energy suppliers that sell customer kWh’s are not currently required to be regulated. This loophole will get worse by ensuring the community solar vendor receives a guaranteed return from the utility.
- If the state RPS is amended next year or this year requiring only in-state solar to count for RPS purposes this bill could provide a windfall for solar providers in that they will get a guaranteed return from the utility at “avoided cost[s]” and they will be in a captured market that could drive SREC prices soaring increasing the cost of renewables even more.

7. Proposed language states that community solar shall make an offering for low income customers

- a. Provides 15% of community-owned facilities must go to low income participants

DEMEC’s Talking Points:

- This means that the other participants in the community solar program or those subject to SREC procurement costs pay more to subsidize the low-income community
- DEMEC developed a community solar model to address low income communities. It could be replicated for Delmarva Power and DE Coop. DEMEC’s model is simple and easier to participate in. The same program could be done using Delmarva Power and DE Coop’s Green Energy Funds making this provision unnecessary.

8. Proposed language has the Sustainable Energy Utility (SEU) represented twice in Low Income Consideration

- a. The SEU and the State Renewable Energy Taskforce will work together on community solar recommendations

DEMEC’s Talking Points:

- The SEU sits on the Taskforce. This is double representation and unnecessary.
- Increases the SEU role in recommending what is done in municipalities which could further erode local regulatory control
- Same concerns as in SB 265 which concern loss of regulatory control issue covered in SB 265 talking points.

What can you do?

1. **URGENT ACTION REQUESTED:** Call your legislators or legislative contacts and encourage them to not support SB 265. Our understanding is that the sponsors of this bill are trying to get it passed before the end of session on Saturday, June 30th, 2018.
2. Spread the word on social media and with friends and family throughout Delaware that this is bad for all electric customers.

If you have any follow-up questions, call Kimberly Schlichting at DEMEC: 302-653-2733

**AGREEMENT
BY AND BETWEEN
THE CITY OF MILFORD
AND
DOWNTOWN MILFORD, INC.**

This Agreement made and entered into this _____ day of June, 2018, is by and between Downtown Milford, Inc., a Delaware nonprofit corporation (“DMI”), and the City of Milford, Delaware, a Delaware municipal corporation (“City”).

WITNESSETH:

WHEREAS, DMI was created to assist the City in developing a public-private effort to revitalize the City’s central business district; and

WHEREAS, DMI and the City currently partner on projects that benefit the downtown Milford area; and

WHEREAS, the City has determined that it is in the best interests of the City, and important to the promotion of the general economic welfare of the City, to compensate DMI for the performance of services pursuant to this Agreement.

NOW, THEREFORE, in consideration of mutual undertakings and mutual benefits from the services set forth herein, the City and DMI agree as follows:

I. SCOPE OF SERVICES

A. DMI will utilize the Main Street philosophy and Four Point Approach to provide the following services (“Services”):

i. Organization

DMI shall provide unified management and coordination for the downtown area through DMI’s interaction with its investors, volunteers, the City, downtown businesses, downtown property owners and community partners to continue to contribute toward the revitalization of downtown Milford as described in the Rivertown Rebirth 2025 downtown master plan.

ii. Promotion

DMI shall continue to develop and update a consistent marketing and promotion program for the downtown area that will bring the City’s brand alive and elevate the image of downtown and the community. Marketing and promotion includes producing quality marketing pieces, coordinating advertisements and organizing annual events/activities that attract visitors to Downtown Milford.

iii. Design

DMI shall initiate and develop proposals for façade, signage, lighting, and landscaping improvements, historic preservation and the overall aesthetic look of

downtown Milford. DMI will assist with the implementation and education of the voluntary design standards for downtown.

iv. Economic Vitality

DMI shall continue to strengthen the existing economic assets of the Downtown Core Area while diversifying its economic base, including recruiting new businesses, assisting with expansion of existing businesses, facilitating redevelopment through the Downtown Development District (DDD) program, marketing available or underutilized commercial space, and strengthening the management capabilities and competitiveness of individual businesses. DMI shall track key statistics, including job growth and new businesses in the downtown area and host businesses development training based on the needs of the downtown business community. DMI will assist the City as a key point of contact for interested parties looking to invest in the downtown area.

- B. DMI will adhere to the requirements of the State Downtown Delaware program and strive to remain in good standing as an accredited Main Street community.

II. TERM AND TIME OF PERFORMANCE

The term of this Agreement shall be from July 1, 2018 to June 30, 2019. This agreement shall automatically renew annually for up to five successive years, unless there are unresolved deficiencies in performance. To that end there shall be an annual review of DMI's performance by the City Manager and the City Council Community and Economic Development Committee. This review shall be completed no later than April 15th each year. To facilitate the review, DMI shall submit a copy of its current fiscal year budget, including actual to date expenditures, and a proposed new fiscal year budget by March 1st each year, meet regularly with the City Manager, and provide quarterly reports of activity to the City Manager and City Council. The City Manager shall inform DMI, in writing, by April 30th each year of the results of the review.

III. COMPENSATION AND METHOD OF PAYMENT

The City hereby agrees to compensate DMI for the Services as outlined in Section I (A-D) in a lump sum amount of \$45,000, payable on or before October 1st of each year. The City, after its annual performance review, will consider an annual compensation increase in accordance with the mid-Atlantic CPI. All compensation for the Services is subject to annual appropriation by the City. With the adoption of the annual City budget, the compensation for each fiscal year provided in the Agreement is subject to appropriation, or non-appropriation, at the time.

In addition, DMI acknowledges the value of the City's in-kind support for the events, programs and projects of DMI. The City will continue to provide such support within constraints of the City's annual budget.

IV. AUDIT, INSPECTION OF RECORDS, AND ANNUAL REVIEW

DMI shall permit an authorized representative of the City to inspect and audit all data and records of DMI related to their performance under this Agreement.

V. **SUBCONTRACTS**

DMI and the City hereby agree that this Agreement shall not be assigned, transferred, conveyed or otherwise disposed of without the prior consent of the other party to the Agreement.

VI. **REPRESENTATION ON BOARD**

The City will not have operational control over DMI staff or operating policies. DMI's Board of Directors oversee the operation of DMI. DMI will invite and include the City Manager or his/her designee as a non-voting participant in any regular, special or executive session meeting of the Board during which City-related matters are being discussed.

VII. **NON-DISCRIMINATION PROVISIONS**

DMI will not discriminate against any employee because of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.

VIII. **COMPLIANCE WITH THE LAW**

All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.

IX. **CONFLICT OF INTEREST\POLITICAL ACTIVITY**

The elected officials, public officials, employees and agents of the City shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.

DMI shall not use the compensation paid through this Agreement for political activities or legislative activities. For the purpose of this Agreement, the terms "political activities" and "legislative activities" shall have the meanings ascribed to them by the Internal Revenue Service.

X. **INDEPENDENT CONTRACTOR**

DMI is not authorized or empowered to make any commitments or incur any obligation on behalf of the City, but merely to provide the services provided for herein as an independent contractor.

XI. **INDEMNIFICATION**

DMI shall indemnify, release, defend, become responsible for and forever hold harmless the City, its officers, agents, employees, elected officials, and attorneys, each in their

official and individual capacities, from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney's fees and other defense costs or liabilities, of any character and from any cause whatsoever brought because of bodily injury or death received or sustained, or loss or damage received or sustained, by any person, persons, or property arising out of or resulting from any act, error, omission, or intentional act of DMI or its agents, employees, or subcontractors, arising out of or in any way connected with the subject matter of this Agreement or the work or operations expressly authorized herein; provided, however, that DMI need not save harmless the City from claims, demands, losses and expenses arising out of the sole negligence of the City, its employees or agents. In addition, the City shall not be liable or responsible in any manner to any subcontractor with whom DMI has contracted for additional services under the terms of the Agreement.

XII. CANCELLED, TERMINATION OR SUSPENSION

A. This Agreement may be terminated at any time by written, mutual agreement of the parties. The City may terminate the Agreement if funds are not appropriated at the beginning of a new fiscal year for the Services described herein. The City shall have the right to terminate this Agreement in the event that DMI is in default or violation of the terms or provisions of this Agreement and fails to cure such default or violation in the manner specified in subsection 'B' below.

B. In the event of such default or violation by DMI, the City shall send to DMI by certified mail a Notice Demand to Cure Default, explaining the specific nature and extent of the default or violation. DMI shall cure or remedy said violation or default within sixty (60) working days after receipt of said Notice, unless a longer time is agreed upon by both parties in writing. In case the default is not cured or remedied within sixty (60) working days or a longer period of time if agreed upon, the City may exercise its option to terminate this Agreement upon five (5) days written notice thereafter.

C. In the event of termination, DMI shall refund to the City a pro-rated portion of the compensation paid pursuant to section III above. DMI shall refund the pro-rated amount to the City within 30 days of the effective date of termination.

XIII. AMENDMENTS

In order to provide necessary flexibility for the most effective execution of this Agreement, whenever both the City and DMI mutually agree, changes to this Agreement may be effected by placing them in written form and incorporating them into this Agreement as an amendment.

XIV. NOTICE

Any notice required by this contract is deemed to be given if it is mailed by United States certified mail, postage prepaid, and addressed as hereinafter specified.

Notice to the City shall be addressed to:

City Manager
City of Milford, Delaware
201 South Walnut Street
Milford, Delaware 19963

Notice to DMI shall be addressed to:

Executive Director
Downtown Milford, Inc.
207 South Walnut Street
Milford, Delaware 19963

XV. SEVERABILITY

It is mutually agreed that in case any provision of this Agreement is determined by a court of law to be unconstitutional, illegal, or unenforceable, it is the intention of the parties that all the other provisions of this Agreement shall remain in full force and effect.

XVI. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties with respect to its subject matter and any prior agreements, understandings, or other matters, whether oral or written, are hereby merged into and made a part hereof, and are of not further force or affect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

CITY OF MILFORD

DOWNTOWN MILFORD, INC.

Arthur J. Campbell, Mayor

Sara M. Pletcher, President

Witness:

Witness:

Chapter 193 - SOLID WASTE MANAGEMENT¹¹

Footnotes:

--- (1) ---

Editor's note— Ord. No. 2016-20, §§ 1—7, adopted Oct. 24, 2016, in effect amended Ch. 193 in its entirety to read as herein set out. See Code Comparative Table for a detailed analysis of amendments made. Former Ch. 193 pertained to similar subject matter and derived from Ord. No. 2015-01, § 2, adopted March 9, 2015.

ARTICLE I - General Provisions

§ 193-1. - Mandatory residential collection.

- A. 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. Residential properties include detached homes, duplexes, townhouses and condominiums.
- B. Customers shall keep all garbage and recycling materials separate in accordance with all collection program guidelines.

[Ord. No. 2016-20, § 1, 10-24-2016]

§ 193-2. - Non-residential and multi-unit rental complex services.

Solid waste services through the City of Milford are optional for non-residential entities and multi-unit complexes in common ownership. 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.

[Ord. No. 2016-20, § 1, 10-24-2016]

§ 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. The City will provide containers to the customer as required by the desired level of service at no up-front cost to the customer. If any container is lost or destroyed, another container shall be provided at cost to the customer. Multi-unit rental complexes under common ownership may utilize a City approved dumpster.

[Ord. No. 2016-20, § 1, 10-24-2016]

§ 193-4. - Bills, payments and deposits.

- A. The rates as established shall be an assessment and shall be billed to 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.
- C. The charges imposed under this ordinance shall be a lien against 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 consecutive months will trigger suspension of trash collection and removal of all city-issued containers.
- F. Creation of new rental accounts, not part of a multi-unit rental complex under common ownership, will require a \$100 reimbursable deposit. Unpaid balances will be applied when account is terminated.

[Ord. No. 2016-20, § 2, 10-24-2016]

§ 193-5. - 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.

[Ord. No. 2016-20, § 2, 10-24-2016]

§ 193-6. - Solid waste management regulations and schedules.

The City Manager is hereby authorized to administer Chapter 193 of the City of Milford Code pertaining to the solid waste collection system. The City Manager shall promulgate and publish such rules and schedules as necessary for the efficient and economical collection of garbage, recycling and yard waste materials. Adequate notice of the collection schedules shall be provided to all customers and any changes thereto.

[Ord. No. 2016-20, § 3, 10-24-2016]

ARTICLE II - Solid Waste

§ 193-7. - 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.

[Ord. No. 2016-20, § 3, 10-24-2016]

§ 193-8. - Unlawful acts and containment requirement.

- A. It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container.
- B. No solid waste or any other similar materials shall be placed in the street, drainage gutter or on the sidewalk.
- C. 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.

[Ord. No. 2016-20, § 3, 10-24-2016]

§ 193-9. - 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 Council.
 - (2) On designated collection days, containers shall be placed just behind the curblineline without interfering with vehicular or pedestrian traffic.
 - (3) Containers shall be placed 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.
- B. Multi-unit rental complex collection. Owners and/or designee of multi units rental complexes desiring to utilize containers for mass 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 customer.
 - (3) Tires will not be collected. Items too bulky or heavy to be removed during the regular city collection maybe removed after special arrangements have been made by the customer.
- D. Items piled alongside the container will not be picked up, nor will containers not provided by the City.
- E. Mandatory additional container.
 - (1) Any additional items found outside container will not be picked up. Items will be tagged and customer informed of pending additional container issuance.

- (2) Additional container delivery and associated fee will be triggered after two consecutive incidents related to additional items or three incidents in any rolling six months period.
- (3) Payment of additional container will be the responsibility of customer until account is terminated.

[Ord. No. 2016-20, § 3, 10-24-2016]

§ 193-10. - Collection and rate schedule.

A. The City will collect solid waste as described in this Article II once every week.

B. Residential properties:

Effective:

July 1, 2015 — \$24.00 monthly — one container

July 1, 2016 — \$24.50 monthly — one container

July 1, 2017 — \$25.00 monthly — one container

C. Non-residential properties:

Effective:

July 1, 2015 — \$24.00 monthly — one container

July 1, 2016 — \$24.50 monthly — one container

July 1, 2017 — \$25.00 monthly — one container

D. Multi-unit rental complex.

Effective:

July 1, 2015 — \$24.00 monthly — one container per unit or three-cubic-yard dumpster(s)

July 1, 2016 — \$24.50 monthly — one container per unit or three-cubic-yard dumpster(s)

July 1, 2017 — \$25.00 monthly — one container per unit or three-cubic-yard dumpster(s)

E. Additional trash container — \$20.00

Additional yard waste container — \$12.00

[Ord. No. 2016-20, § 4, 10-24-2016]

ARTICLE III - Yard Waste

§ 193-11. - 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.

[Ord. No. 2016-20, § 4, 10-24-2016]

§ 193-12. - Containers required.

- A. 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. Mandatory additional 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 pending additional yard waste container issuance.
 - (2) Additional container delivery and associated fee will be triggered by two consecutive incidents related to excessive yard waste or three incidents in any rolling six months period.
 - (3) Payment for additional yard waste container will be the responsibility of customer until account is terminated.

[Ord. No. 2016-20, § 4, 10-24-2016]

§ 193-13. - 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 customer.
- B. The City will provide for looseleaf 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.

[Ord. No. 2016-20, § 4, 10-24-2016]

ARTICLE IV - Recycling

§ 193-14. - Definitions.

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

RECYCLING — Unbagged 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, paperboard (cereal/tissue boxes), 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.

[Ord. No. 2016-20, § 5, 10-24-2016]

§ 193-15. - Unlawful acts and containment requirement.

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.

[Ord. No. 2016-20, § 5, 10-24-2016]

§ 193-16. - 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 customer.

[Ord. No. 2016-20, § 5, 10-24-2016]

ARTICLE V - Bulk Items

§ 193-17. - Definitions.

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

BULK ITEMS — Unbagged garbage other than regular household trash, such as furniture, appliances, large items including, but not limited to, lawn mowers, barbeque grills, hot water heaters, air conditioners, televisions, doors, cabinets and kids toys.

Note: Bulk items do 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. Any yard waste material is not considered a bulk item and shall not be collected and removed by the City. Such materials shall be removed by the customer.

[Ord. No. 2016-20, § 6, 10-24-2016]

§ 193-18. - Unlawful acts.

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

[Ord. No. 2016-20, § 6, 10-24-2016]

§ 193-19. - Collection procedures.

- A. Customers are required to contact our Customer Service Department to schedule a pickup.
- B. Customer without prior pick-up arrangements will be tagged and notified of subsequent billing.
- C. Items not removed by customer in subsequent weeks will be removed and billed accordingly.

[Ord. No. 2016-20, § 6, 10-24-2016]

§ 193-20. - Rate schedule.

- A. The bulk fee shall be determined on a sliding scale based on the number of large items picked up as indicated below:
 - (1) A minimum of \$50 will be billed for each pickup of up to five items.

(2) Each additional item will be billed at \$10.

- B. The City Manager shall establish procedures to allow each residential property two scheduled collections of bulk items per year at no charge.

[Ord. No. 2016-20, § 7, 10-24-2016]

ARTICLE VI - Temporary Suspension of Services

§ 193-21. - Authority.

- A. The City Manager or designee may suspend trash and recycling (and yard waste when applicable) collection services for owner-occupied residences only if the home is unoccupied between a minimum of three months and a maximum of 12 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 Customer Service 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 City Manager or designee 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. Continuation of a suspension of service after reactivation requires a new "Temporarily Suspend Garbage Service Application" to 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.
- 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.

[Ord. No. 2016-20, § 7, 10-24-2016]

§ 193-22. - Suspension fee.

- A. At the time of the suspension request, the following service fees shall be paid by the customer:
- (1) A fee of \$35 for removal and storage 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 Customer Service Department.

[Ord. No. 2016-20, § 7, 10-24-2016]

§ 193-23. - 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 193-6 shall also apply to Article VI.

[Ord. No. 2016-20, § 7, 10-24-2016]

PUBLIC NOTICE

The Council of the City of Milford is currently reviewing the following revisions to its Solid Waste Code Chapter 193. The Ordinance is scheduled for adoption at its July 9, 2018 Meeting at Milford City Hall:

ORDINANCE 2018-11 Chapter 193 Solid Waste Management

Whereas, the Council of the City of Milford possesses the authority to amend the Solid Waste Management Code that regulates and provides for the collection, recycling and disposal of solid waste materials within the City of Milford; and

Whereas, the City's Public Works Staff proposed changes to the Code, that includes the licensing of private solid waste haulers within its jurisdiction and the removal of associated fees, rules and regulations from the published Code and transferred to additional documents entitled Solid Waste Fee Schedule and Rules and Regulations that are administered by the City Manager; and

Whereas, following notice of the Council's intention to amend the Code, a Council Meeting was held on July 9, 2018 at which time Council provided the opportunity for the public to comment on the recommendations; and

Whereas, the City Council finds that the adoption of the updated provisions is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Milford, the following ordinance re-titled "Solid Waste" is hereby amended.

Section 1. Chapter 193 is subsequently renumbered to Section 185-25, stricken language indicated in strikethrough and additional language shown as underlined:

Chapter 193 - SOLID WASTE MANAGEMENT

ARTICLE I - General Provisions

§ 193-1. Mandatory residential collection.

~~A. 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. Residential properties include detached homes, duplexes, townhouses and condominiums.~~

~~B. Customers shall keep all garbage and recycling materials separate in accordance with all collection program guidelines.~~

§ 193-1. - Definitions.

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

Apartment – A room or suite of rooms in a multifamily structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Ashes - The residue from burning of wood, coal, or other combustible materials for the purpose of heating or cooking.

At-Door Service - The collection of a single refuse container at the point where a customer stores their container, including, but not limited to, the exterior front, side or rear of house or apartment.

Alley - Any public way, generally of less width than a street, used for public utility purposes and right-of-way, and as an alternate secondary or emergency route for vehicle and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

Bulk trash - Solid waste that is too large to be contained in a bin. Bulk trash may include, but is not limited to, oversized or overweight refuse not capable of being disposed of in specified container, such as scrap metal, appliances, furniture, BBQ grills, cardboard boxes or other items exceeding five (5) feet in length.

Brush - Woody material trimmed from trees or shrubs too large to be placed in the specified City container, in accordance with the Solid Waste Rules and Regulations.

Construction and Demolition Debris - Any and all refuse or residue resulting directly from building construction, reconstruction repair or demolition, from grading or other incidental work in connection with any premises.

Container or Cart - A receptacle for the deposit of solid waste.

Garbage or Refuse - Solid waste consisting of all putrescible waste including food waste, and non-putrescible waste both combustible and non-combustible, originating from residences, including paper, cardboard, plastic or metal food or household chemical containers, wood objects, glass, bedding, crockery, metals, and other similar objects or materials, but specifically excluding bulky waste, animal offal and carcasses

Litter - All waste material, garbage, trash, refuse and other substances including, but not limited to, cigarette butts, plastic and paper wrappings which, if thrown, scattered or deposited, as herein prohibited, tends to injuriously affect public health, safety and welfare or tends to have a detrimental or unsightly impact on the environment.

Multi-dwelling unit - A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Occupant - The person residing in a dwelling unit, specifically the head of such household.

Owner - The record title holder of real property.

Outside Premises - Streets, alleys, sidewalks, ditches, yards, lots, fields, streams, and exterior portions of buildings.

Property line - The peripheral boundary of real estate.

Public Easement - A right-of-way used or dedicated to be used by any public utility, including, but not limited to, services such as electricity, telephone, gas, solid waste collection, water, sewer and drainage.

Public Way - Any street, alley, easement or other right-of-way.

Recycling (Single-Stream) - A system in which all paper fibers, acceptable plastics, metals, and other containers are mixed in a collection truck instead of being sorted by the depositor into separate commodities (newspaper, paperboard, corrugated fiberboard, plastic, glass, etc.) and handled.

Residence - A structure intended for use and occupancy as a one-family dwelling unit.

Street - Any public thoroughfare for the passage of vehicle and pedestrian traffic.

Yard Waste - Any vegetation such as grass, weeds, leaves, tree trimmings, plants, shrubbery, pruning, limbs and materials which are generated in the maintenance of yards and gardens.

~~§ 193-2. — Non-residential and multi-unit rental complex services.~~

~~Solid waste services through the City of Milford are optional for non-residential entities and multi-unit complexes in common ownership. 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.~~

§ 193-2. – Authority

In order to protect the health and safety of the people of the City, the City Manager is hereby authorized to administer Chapter 193 of the City of Milford Code pertaining to the solid waste collection system. The City Manager shall promulgate and publish such collection schedules & Solid Waste Rules and Regulations as necessary for the efficient and economical collection of garbage, recycling and yard waste materials. Adequate notice of the collection schedule and Solid Waste Rules and Regulations shall be provided to all customers and any changes thereto.

~~§ 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. The City will provide containers to the customer as required by the desired level of service at no up-front cost to the customer. If any container is lost or destroyed, another container shall be provided at cost to the customer. Multi-unit rental complexes under common ownership may utilize a City approved dumpster.~~

§ 193-3. – General Provisions.

A. Residential properties. 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. Residential properties include detached homes, duplexes, townhouses and condominiums.

- B. Non-residential and multi-unit rental complex. Solid waste services are optional for non-residential entities and multi-unit complexes in common ownership. Upon request, containers may be provided in accordance with the fee as set forth in the Solid Waste Fee Schedule. 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.
- C. Payment. The cost of such service and the responsibility of payment shall be borne by the owner of premises from which said refuse is collected or upon which premises said refuse to be accumulated and disposed of. In addition, the actual occupant of any such premises shall be responsible for the payment of fees as hereafter specified and the City may require from either the owner, the occupant or any other person producing refuse or responsible existence of disposal thereof of for whom such refuse is removed. No agreement between an owner and occupant or other person shall relieve the owner of any premises from liability for payments as set forth hereinafter.
- D. General Collection. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the City or dispose of any refuse in any manner not approved in this ordinance or subsequent regulations. All collection of solid waste and recycling materials within the City shall be by city public works crews or contractors hired or contracted by the City Council. Customers shall keep all materials separate in accordance with all collection program guidelines.
- E. Private haulers. Private haulers who desire to collect refuse in the City shall be licensed and shall register each vehicle collecting in the within City. The City will collect a fee as set forth in the Solid Waste Fee Schedule for the hauler license and each registered vehicle. Each vehicle will receive a collection registration sticker that shall be displayed in a prominent and legible manner on both sides of all vehicles used in the collection and transportation of solid waste within the City. Private haulers collecting in the City are responsible for a self-inspection of their vehicles. This inspection is to include all seals and hoses. Any company found to be using substandard equipment in the City of Milford may have license and collection registration suspended or terminated.
- (1) Haulers authorized to operate within the city limits of Milford and required to obtain a license issued by the City, are required to file semi-annual reports with information determined by the City Manager or his/her designee on the City provided form.
- (2) Semi -Annual Reports. Reports are due December 31st and June 30th of each year. When the specified semi-annual reports fall on a Saturday, Sunday or legal holiday, the report is due on the next business day. Failure to submit required information within 30 days after the due date shall constitute an ordinance violation and will be subject to suspension or termination of hauler license.
- F. Containment. The City shall furnish individual containers to be used for each specific collection. Use of containers other than those furnished by the City is prohibited. The City will provide containers to the customer as required by the desired service type at no up-front cost to the customer. If any container is lost or destroyed, another container shall be provided at a cost to the customer. Multi-unit rental complexes under common ownership may utilize a City approved dumpster. Owners and/or designee of multi-unit rental complex desiring to utilize containers for mass storage may do so, provided that the container and the placement of the container is approved by the City Manager or his/her designee.
- G. Littering. No solid waste or any other similar materials shall be placed in the street, drainage gutter 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. The deposit, placement or abandon of any advertising material, paper, refuse, garbage, yard debris, brush, etc. 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 and subject to a fine set forth on the Solid Waste Fee Schedule.

- (1) No person shall permit any refuse to remain in any street, alley or other public place or upon any private property, whether owned by such person or not, within the City, except when placed in proper receptacles for collection, unless such material is placed for bulk or brush collection as set forth under Section 193-6 and proper arrangements made for its collection.
- (2) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and shall be deemed a violation of this ordinance and is subject to a fine as stated in the Solid Waste Fee Schedule.
- (3) It shall be unlawful for any person other than the occupants of the premises on which collection containers are stored, or the collector, to remove the covers of any of the containers or to remove the refuse stored in such containers.
- (4) Ownership of refuse material set out for collection shall be vested in the Municipality.

~~§ 193-4. – Bills, payments and deposits.~~

~~A. The rates as established shall be an assessment and shall be billed to 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.~~

~~C. The charges imposed under this ordinance shall be a lien against 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 consecutive months will trigger suspension of trash collection and removal of all city issued containers.~~

~~F. Creation of new rental accounts, not part of a multi-unit rental complex under common ownership, will require a \$100 reimbursable deposit. Unpaid balances will be applied when account is terminated.~~

§ 193-4. – Rates and Fees, Delinquent Accounts, Unincorporated Customers, Rental Accounts.

A. Rates and fees. The Solid Waste Fee Schedule for the collection, disposal and other fees in accordance with the **Solid Waste Rules and Regulations** shall be as approved by City Council

on an annual basis. The City Manager or his/her designee shall bill residents in accordance with the rates established by the council and shall be in charge of collecting these charges.

B. Delinquent accounts. Delinquent accounts will have a one and half percent (1.5%) penalty added to the unpaid balance for each month the account is delinquent. The charges imposed under this ordinance shall be a lien against any owner-occupied property served and shall be and remain a lien for ten years from the date of assessment of such charge.

C. Customers not annexed in the City. Nonpayment of two consecutive months will trigger suspension of trash collection and removal of all city-issued containers.

D. Rental Accounts. Are required to pay a reimbursable deposit. Unpaid balances will be applied when account is terminated. Excluded from this is a multi-unit rental complex under common ownership.

~~§ 193-5. – 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.~~

§ 193-5. – Collection Procedures.

A. Pre-Collection Practices. Containers shall be placed for collection by 7:00 a.m. day of collection, shall be within three (3) feet of the curb and three (3) feet from any object, and shall not be in any other container. Materials should be prepared for collection as set forth in the City **Solid Waste Rules and Regulations.**

B. Point of Collection. For the purpose of collection, refuse, recycling and yard waste containers shall be placed within three (3) feet of the curb, edge of alley of street pavement and at least three (3) feet from any objects. All containers placed at the curb, street or alley for collection shall be removed to a point at the side or rear of the structure no later than 7:00 p.m. on the day of collection. Failure to remove containers from the curb, street, or alley shall constitute an additional charge for services for each day the container remains within the right-of-way.

C. Frequency of Collection. On designated days as set forth by the City Manager or his/her designee containers shall be placed just behind the curb line or edge of pavement without interfering with vehicular or pedestrian traffic.

D. Downtown Area Collection.

(1) Containers; time of placement, removal. The collection of solid waste materials from the downtown area as described in subsection (d) of this section shall be governed by all the provisions of this chapter pertaining to apartments, institutions, and commercial establishments, except that no solid waste materials or containers of any kind shall be placed for collection on the public streets, sidewalks, alleys or easements of the city prior to 7:00 a.m. on the day of collection, and all containers which must be manually emptied shall be removed not later than 10:00 a.m. on the day of collection.

- (2) Application of chapter. Where collection service is furnished by the City to these premises, all provisions of this chapter which are applicable to residences and duplexes shall apply.
- (3) Placement in public way. At any of the establishments in the downtown area where there is insufficient space between any structure and the alley property line, the easement property line, or street property line to permit the placing of waste containers as required by the provisions of this chapter relating to residences and duplexes, the containers may be placed in such public way at the very boundary thereof so as to permit the passage of pedestrian and vehicular traffic, or at a time other than as set out in subsection (a) of this section, subject to the approval of the City Manager.
- (4) Boundaries. The downtown business area shall include that area bounded by Northeast (NE) Front Street, Walnut Street and Washington Street from Southeast (SE) Front Street.

E. Alternative service collection. The City Manager or his/her designee may provide alternative collection of service to a customer, if the he/she determines that the customer cannot be adequately served with standard collection service. The City Manager may prescribe the receptacles and removal methods to be used for alternative collection.

- (1) At-Door Collection. The service is available to city business customers only. The at-door collection shall be for regular refuse only, for a single container per unit, and at an additional fee as set forth in the Solid Waste Fee Schedule.
- (2) Assisted Collection. The service is available to any resident in need of special assistance of pulling a city container to/from the curb for collection. Owner and/or occupant must provide proper medical documentation from his/her physician stating the nature of the disability and reason he/she is unable to move the container to/from the curb. Medical documentation must be renewed on an annual basis in order to continue service. This special assistance collection shall be at no cost to the customer.
- (3) Missed Collection. Each customer is entitled to one courtesy collection in a 12-month period; after such a fee will be charged if the customer desires the collecting of a missed collection.
- (4) Special Request Collection. Upon the approval of the City Manager or his/her designee, this service is available to any resident in need of a special collection of trash, recycling or yard waste services for an additional fee as set forth in the Solid Waste Fee Schedule.

§ 193-6. — Solid waste management regulations and schedules.

The City Manager is hereby authorized to administer Chapter 193 of the City of Milford Code pertaining to the solid waste collection system. The City Manager shall promulgate and publish such rules and schedules as necessary for the efficient and economical collection of garbage, recycling and yard waste materials. Adequate notice of the collection schedules shall be provided to all customers and any changes thereto.

§ 193-6. – Removal of Bulk/Brush and Leaves.

A. The City Manager shall establish procedures to allow each residential property two (2) scheduled collections of bulk/brush items in a twelve-month period, at no charge, up to 8 cubic yards. Additional collections shall be subject to a fee as set forth in the Solid Waste Fee Schedule.

- B. Customers are required to contact Customer Service to schedule a collection as set forth in the **Solid Waste Rules and Regulations**.
- C. Bulk/Brush items must not be placed for collection prior to 24 hours prior to the scheduled collection day.
- D. Leaves are collected twice a year through an automated leaf collector at the curb or street. The City Manager will publish a schedule each year and notify customers of such collection dates.

§ 193-7. – Items Prohibited.

- A. Construction and Demolition. The scope of services 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.

Rock, scrap building materials 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 customer.

- B. All refuse is subject to inspection at curbside or designated collection locations by the City Manager or his/her designee to determine proper separation and segregation of trash, recyclable refuse and yard waste as set forth in this ordinance.

§ 193-8. – Temporary Suspension of Services.

The City Manager or his/her designee may suspend refuse collection services for owner-occupied residences only if the home is unoccupied between a minimum of three months and a maximum of 12 months.

- A. An application to suspend service must be completed at least five (5) days prior to start of suspension period in order to place the service on hold.
- B. The Solid Waste Division 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.
- C. Partial or retroactive payments of monthly fees are prohibited.
- D. At the time of the suspension request, the fee for removal and redelivery of the container(s) as set forth in the Solid Waste Schedule of Fees shall be paid by the customer.
- E. Noncompliance of this article will result in the immediate reactivation of the solid waste services and the immediate billing of the entire suspension period. In addition, a fee for account reconciliation will be assessed for noncompliance.

§ 193-9. – Violations and Enforcement.

- A. It shall be the duty of the City Manager, or his/her designee to enforce provisions of this ordinance upon their own observation or knowledge. In addition to any other penalties, if any owner and/or occupant neglects, after proper notice, to comply with the published **Solid Waste Rules and Regulations** as required in this ordinance, the City Manager shall cause to remove container(s) and/or bill the owner and/or occupant the total cost of the contaminated

truck load. Upon failure to make payment of the entire amount due within 30 days from the date of the billing for said removal/delivery and/or disposal fee, the City may enter a lien, as provided by law. This right herein prescribed in section 193-4(b).

- B. The City reserves the right to remove the trash, recycling and/or yard waste containers if customers, upon proper notice, fail to abide by the published Solid Waste Rules and Regulations, consistently place excess materials outside the container, improperly place the container for collection, or cause contamination by placement of garbage, yard waste or other unsuitable materials in the inappropriate container.
- C. The City reserves the right to provide additional containers if customers, upon proper notice, fail to abide by the published Solid Waste Rules and Regulations and consistently place excess materials outside the container. An additional charge for the container will be added to the customer's monthly bill in accordance with the Solid Waste Fee Schedule.
- D. Any person convicted of violating any provision of this ordinance shall be fined in an amount as set forth in Solid Waste Fee Schedule, and if the violation amounts to an unlawful deposit of rubbish, refuse or other offensive matter in the city limits, he shall be directed to remove the same, and in the event of his failure to do so, the offensive matter shall be removed by the City at the expense of the violator.

ARTICLE II—Solid Waste

~~§ 193-7.—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.~~

~~§ 193-8.—Unlawful acts and containment requirement.~~

~~A. It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container.~~

~~B. No solid waste or any other similar materials shall be placed in the street, drainage gutter or on the sidewalk.~~

~~C. 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.~~

~~§ 193-9.—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 Council.~~

~~(2) On designated collection days, containers shall be placed just behind the curblin without interfering with vehicular or pedestrian traffic.~~

~~(3) Containers shall be placed 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.~~

~~B. Multi-unit rental complex collection. Owners and/or designee of multi-unit rental complexes desiring to utilize containers for mass 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 customer.~~

~~(3) Tires will not be collected. Items too bulky or heavy to be removed during the regular city collection may be removed after special arrangements have been made by the customer.~~

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

~~E. Mandatory additional container.~~

~~(1) Any additional items found outside container will not be picked up. Items will be tagged and customer informed of pending additional container issuance.~~

~~(2) Additional container delivery and associated fee will be triggered after two consecutive incidents related to additional items or three incidents in any rolling six months period.~~

~~(3) Payment of additional container will be the responsibility of customer until account is terminated.~~

~~§ 193-10. Collection and rate schedule.~~

~~A. The City will collect solid waste as described in this Article II once every week.~~

~~B. Residential properties:~~

~~Effective:~~

~~July 1, 2015 — \$24.00 monthly — one container~~

~~July 1, 2016 — \$24.50 monthly — one container~~

July 1, 2017 — \$25.00 monthly — one container

C. Non-residential properties:

Effective:

July 1, 2015 — \$24.00 monthly — one container

July 1, 2016 — \$24.50 monthly — one container

July 1, 2017 — \$25.00 monthly — one container

D. Multi-unit rental complex:

Effective:

July 1, 2015 — \$24.00 monthly — one container per unit or three cubic yard dumpster(s)

July 1, 2016 — \$24.50 monthly — one container per unit or three cubic yard dumpster(s)

July 1, 2017 — \$25.00 monthly — one container per unit or three cubic yard dumpster(s)

E. Additional trash container — \$20.00

Additional yard waste container — \$12.00

ARTICLE III — Yard Waste

§ 193-11. — 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.

§ 193-12. — Containers required.

A. ~~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. ~~Mandatory additional 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 pending additional yard waste container issuance.~~

~~(2) Additional container delivery and associated fee will be triggered by two consecutive incidents related to excessive yard waste or three incidents in any rolling six months period.~~

~~(3) Payment for additional yard waste container will be the responsibility of customer until account is terminated.~~

§ 193-13. — 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 customer.~~

B. ~~The City will provide for looseleaf 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.

ARTICLE IV— Recycling

§ 193-14.— Definitions.

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

RECYCLING— Unbagged 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, paperboard (cereal/tissue boxes), 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.

§ 193-15.— Unlawful acts and containment requirement.

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.

§ 193-16.— 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 customer.

ARTICLE V— Bulk Items

§ 193-17.— Definitions.

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

BULK ITEMS— Unbagged garbage other than regular household trash, such as furniture, appliances, large items including, but not limited to, lawn mowers, barbeque grills, hot water heaters, air conditioners, televisions, doors, cabinets and kids toys.

Note: Bulk items do 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. Any yard waste material is not considered a bulk item and shall not be collected and removed by the City. Such materials shall be removed by the customer.

§ 193-18.— Unlawful acts.

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

~~§ 193-19. Collection procedures.~~

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

~~B. Customer without prior pick-up arrangements will be tagged and notified of subsequent billing.~~

~~C. Items not removed by customer in subsequent weeks will be removed and billed accordingly.~~

~~§ 193-20. Rate schedule.~~

~~A. The bulk fee shall be determined on a sliding scale based on the number of large items picked up as indicated below:~~

~~(1) A minimum of \$50 will be billed for each pickup of up to five items.~~

~~(2) Each additional item will be billed at \$10.~~

~~B. The City Manager shall establish procedures to allow each residential property two scheduled collections of bulk items per year at no charge.~~

~~ARTICLE VI Temporary Suspension of Services~~

~~§ 193-21. Authority.~~

~~A. The City Manager or designee may suspend trash and recycling (and yard waste when applicable) collection services for owner-occupied residences only if the home is unoccupied between a minimum of three months and a maximum of 12 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 Customer Service 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 City Manager or designee 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. Continuation of a suspension of service after reactivation requires a new "Temporarily Suspend Garbage Service Application" to 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.~~

~~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.~~

~~§ 193-22. — Suspension fee.~~

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

~~(1) A fee of \$35 for removal and storage 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 Customer Service Department.~~

~~§ 193-23. — 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 193-6 shall also apply to Article VI.~~

Section 2. Dates.

Introduction June 25, 2018

Adoption: July 9, 2018

Ordinances are effective no sooner than ten days following adoption.

A full version of this ordinance in its entirety is available to interested persons during regular business hours in the Office of the City Clerk, Milford City Hall, 201 South Walnut Street, Milford, Delaware or by calling 302-422-1111. The ordinance is also available for viewing online at www.cityofmilford.com.

061918

062018

CITY OF MILFORD – SOLID WASTE FEE SCHEDULE

Effective: July 1, 2018

SOLID WASTE		
Description		Fee
Trash, Recycle, Yard Waste Collection	Residential	\$25 monthly per dwelling unit
	Non-Residential	\$25 monthly per dwelling unit
	Multi-Unit Rental Complex	\$25 monthly per unit, or; \$150/mo/3 cy container 1x per week collection; \$300/mo/3cy container 2x per week collection.
	Additional Container-Trash	\$5 monthly per container
	Additional Container-Recycle	\$0
	Additional Container-Yard Waste	\$3 monthly per container
Deposit	Rental Unit	\$100
At-Door Collection		\$10 monthly for commercial customer \$0 monthly for special assistance customers
Missed Collection		First request in 12 mo. period, \$0; \$25 for each request thereafter
Special Pick-up Request Collection		\$25 per collection
Container left out on street/sidewalk after collection day		\$5 per day
Temporary Suspension of Service	Container Removal	\$35
	Container Redelivery	\$35
	Account Reconciliation	\$100
Bulk/Brush Collection		Two (2) collections of 4 CY each per 12 months, No Charge. \$50 per each 4 CY – Additional Collections
Private Haulers	License	\$ 150
	Vehicle Registration	\$ 250 each truck



TO: Mayor and City Council

FROM: Rob Pierce, Planning & Development Director

DATE: June 25, 2018

RE: Plan Review and Building Inspections Services Agreement

On June 26, 2017, City Council approved a contract with First State Inspection Agency, Inc. (FSIA) for residential and commercial building plan review and inspection services. The approval of the FY2019 budget accounted for refilling the Building Official position; however, the City will need to continue utilizing the services of FSIA until the position is filled. Staff recommends authorizing the Mayor to execute the enclosed agreement to continue the current contract, including the fee schedule, with FSIA through June 30, 2019.

Plan Review/Inspection Agreement

THIS AGREEMENT, made this 25th day of June 2018, by and between the **CITY OF MILFORD**, a political subdivision of the State of Delaware, (Hereinafter referred to as “City”) and **FIRST STATE INSPECTION AGENCY, INC.** (Hereinafter referred to as “FSIA”).

WHEREAS, the parties desire to establish a relationship with respect to plan reviews and inspections of permitted construction in the City of Milford and establish certain aspects of their relationship.

NOW THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the parties agree as follows:

1. FSIA shall conduct plan reviews, prior to the issuance of a permit. Alterations or modifications to approved plans will constitute additional review fees.
2. FSIA shall conduct building inspections to meet the requirements of the IRC and IBC Building codes as adopted by the City, including any amendments thereto.
3. FSIA shall conduct on-site inspections, consisting of footing, foundation, framing, energy, and final inspections.
4. FSIA shall maintain written records of on-site inspections until final inspections have been completed, at which time the City will be notified of the Final inspection and a copy of all inspection records will be forward to the City.
5. All inspection requests shall be to the FSIA office.
6. FSIA shall provide technical advice and information, as requested by the City.
7. The City agrees to pay FSIA pursuant to the fee schedule attached hereto. FSIA shall bill the City: upon approval of construction drawings for the cost of plan review; upon the first inspection for half of the cost of inspection; and upon final inspection for the remaining cost of inspection. Payment is due 30 days after receipt of invoice.
9. FSIA shall, during the entire term hereof, and any extension thereof, keep in full force and effect, a policy of general liability insurance with respect to its obligations under this agreement, which is approved by the City and in which the limits of liability shall not be less than one million (\$1,000,000.00) for each accident or occurrence. FSIA also agrees to maintain an Errors and Omissions Policy approved by the City, and in which the limits of liability shall be not less than one million (\$1,000,000.00). FSIA shall furnish the City with the certificate or certificates of insurance or other acceptable evidence that such insurance is in full force at all times during the term hereof.
10. This agreement shall remain in effect for a period of One (1) Year at the same fee schedule, with the option of an additional One (1) Year with a review of the services provided and the fee schedule at that time, to determine the necessity of a possible increase of fees. This agreement will commence July 1, 2018, and end June 30, 2019, provided,

however, that the City shall have the sole option to terminate this contract after One (1) Year, by providing FSIA written notice at least 30 days prior to termination.

IN WITNESS THEREOF:

Signed, sealed and delivered in the presence of:

FIRST STATE INSPECTION AGENCY, INC.

Attest

Printed Name: _____(SEAL)
Title: _____

Sworn to and subscribed before me this ____ day of _____, 20 .

Notary Public

Date Commission Expires

CITY OF MILFORD

Attest/City Clerk

By: Mayor Arthur J. Campbell (SEAL)

Sworn to and subscribed before me this ____ day of _____, 20 .

Notary Public

Date Commission Expires

First State Inspection Agency, Inc.

Plan Review Fee Schedule

BUILDING

All use groups other than R3 and R4

- New Construction (Fee based on **Gross Floor Area* of construction)

Up to and including 10,000 sq. ft. \$.045 per sq. ft.

Greater than 10,000 sq. ft. \$.03 per sq. ft.

**Gross Floor Area* is defined as the total square footage of all floors, within the perimeter of the outside walls, including basements, cellars, garages, roofed patios, breezeways, covered walkways and attics with floor to ceiling height of 6'6" or more.

- Alterations

1.5% of Construction Valuation up to \$20,000

0.5% of Valuation over \$20,000

One and Two Family Dwellings (use groups R3 and R4)

- New Construction

\$145.00 per dwelling unit includes building, plumbing, and mechanical

- Alterations and Additions

1.0% of the estimated cost of constructions

- Swimming pools \$ 20.00
 - Decks \$ 20.00
 - Minor Interior renovations (basement fit-out) \$ 20.00
 - Sunroom & Screen Porch \$ 40.00
 - Solar Plan Review \$ 20.00
-

First State Inspection Agency, Inc.

Inspection Fee Schedule

BUILDING INSPECTIONS

All use groups other than R3 and R4

- New Construction and additions \$ 55.00 *plus* \$.25 per sq. ft. of
Gross Floor Area

**Gross Floor Area* is defined as the total square footage of all floors, within the perimeter of the outside walls, including basements, cellars, garages, roofed patios, breezeways, covered walkways and attics with floor to ceiling height of 6'6" or more.

- Alterations and Tenant Fit-out 2.5% of
construction cost
- Demolition \$ 40.00
- Signs \$ 40.00

Minimum fee \$ 40.00

One and Two Family Dwellings (use groups R3 and R4)

- Dwellings Unit \$ 225.00 (includes 5 inspections)
\$ 45.00 each additional inspection
 - Swimming pools \$ 80.00
 - Decks \$ 80.00
 - Minor Interior renovations (basement fit-out) \$ 100.00
 - Sunroom & Screen Porch \$ 100.00
 - Solar Inspection \$ 40.00
-

- Emergency After Hours Inspections \$ 80.00/hour
Minimum 1 hour