

CITY OF MILFORD  
NOTICE OF ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of Milford City Council on January 22, 2024:

ORDINANCE 2024-03  
AMENDMENT TO CITY OF MILFORD CODE  
CHAPTER 88 – BUILDING CONSTRUCTION

WHEREAS, Ordinance 2023-28, adopted by City Council on August 14, 2023 (effective August 24, 2023) amended the City of Milford Zoning Code Chapter 230 Article VIII Miscellaneous Provisions §230-39 by requiring a City Building Permit to construct a fence within the City of Milford; and

WHEREAS, the language in the Residential and Commercial Building Codes as outlined in Chapter 88 Building Construction, conflicts with Chapter 230 by exempting fences from permitting requirements; and

WHEREAS, to avoid further conflict and ensure clear direction, it is necessary to remove the permit exemption language related to fence installations in Chapter 88 Building Construction.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. The Building Construction Code, known as Chapter 88 of the Code of the City of Milford, is hereby amended by declaring a building permit is required for fence construction.

Section 2. The updated language coincides with the mandate outlined in the Zoning Code known as Chapter 230 of the City Code and removes any building permit ‘exemption’ associated with the construction of fences.

Section 3. Section 88-2, entitled Additions, Insertions and Changes of Article I International Residential Code, is hereby amended to align with Section 1 and Section 2.

Section 4. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Section 5. By removing §88-2(A)(2)(b)(2) in its entirety,  
§88-2(A)(2)(b)(3) will be renumbered §88-2(A)(2)(b)(2)  
§88-2(A)(2)(b)(4) will be renumbered §88-2(A)(2)(b)(3)  
§88-2(A)(2)(b)(5) will be renumbered §88-2(A)(2)(b)(4)  
§88-2(A)(2)(b)(6) will be renumbered §88-2(A)(2)(b)(5)  
§88-2(A)(2)(b)(7) will be renumbered §88-2(A)(2)(b)(6)  
§88-2(A)(2)(b)(8) will be renumbered §88-2(A)(2)(b)(7)  
§88-2(A)(2)(b)(9) will be renumbered §88-2(A)(2)(b)(8)  
§88-2(A)(2)(b)(10) will be renumbered §88-2(A)(2)(b)(9)  
§88-2(A)(2)(b)(11) will be renumbered §88-2(A)(2)(b)(10)

Section 6. The following sections are hereby revised to read as follows:

§ 88-2. - Additions, Insertions, and Changes

A. Chapter 1, Scope and Application

(2) Section R105. Permits

(b) Section R105.2, Work exempt from permit. Remove language under "Building:" and replace with the following;

- [1] One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 24 square feet.
- ~~[2] Fences not over six feet in height.~~
  - ~~{a} Exceptions:~~
    - ~~[i] Fences required for pools~~
    - ~~[ii] Fences required by the State of Delaware for home-based daycares.~~
    - ~~[iii] Fences required by the City of Milford Planning Department as part of an approved subdivision or land development application.~~
- [32] Retaining walls which are not over four feet in exposed height, unless supporting a surcharge or impounding class I, II or III-A liquids.
- [43] Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- [54] Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
- [65] Sidewalks and driveways.
- [76] Replacement of roof covering that does not involve the repair or replacement of more than 25 percent of the roof.
- [87] Prefabricated swimming pools accessory to a one- or two-family dwelling, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- [98] Swings and other playground equipment accessory to one- and two-family dwellings.
- [109] Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- [1110] Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches in height.

Section 7. Section 88-5, entitled Additions, Insertions and Changes of Article I International Building Code, is hereby amended.

Section 8. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Section 9. By removing §88-5(2)(b)(2) in its entirety,  
 §88-5(2)(b)(3) will be renumbered §88-5(2)(b)(2)  
 §88-5(2)(b)(4) will be renumbered §88-5(2)(b)(3)  
 §88-5(2)(b)(5) will be renumbered §88-5(2)(b)(4)  
 §88-5(2)(b)(6) will be renumbered §88-5(2)(b)(5)  
 §88-5(2)(b)(7) will be renumbered §88-5(2)(b)(6)  
 §88-5(2)(b)(8) will be renumbered §88-5(2)(b)(7)  
 §88-5(2)(b)(9) will be renumbered §88-5(2)(b)(8)  
 §88-5(2)(b)(10) will be renumbered §88-5(2)(b)(9)  
 §88-5(2)(b)(11) will be renumbered §88-5(2)(b)(10)

Section 10. The following sections are hereby revised to read as follows:

§ 88-5. Additions, Insertions, and Changes

(2) Section 105 Permits

(b) Section 105.2. Work exempt from permit. Remove language under "Building:" and replace with the following;

- [1] One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 24 square feet.
- ~~[2] Fences not over six feet in height.~~

~~[a]~~ Exceptions:

~~[i]~~ Fences required for pools

~~[ii]~~ Fences required by the State of Delaware for home-based day cares.

~~[iii]~~ Fences required by the City of Milford Planning Department as part of an approved subdivision or land development application.

- ~~[32]~~ Retaining walls which are not over four feet in exposed height, unless supporting a surcharge or impounding class I, II or III-A liquids.
- ~~[43]~~ Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- ~~[54]~~ Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
- ~~[65]~~ Sidewalks and driveways.
- ~~[76]~~ Replacement of roof covering that does not involve the repair or replacement of more than 25 percent of the roof.
- ~~[87]~~ Prefabricated swimming pools accessory to a one- or two-family dwelling, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- ~~[98]~~ Swings and other playground equipment accessory to one- and two-family dwellings.
- ~~[109]~~ Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- ~~[110]~~ Non-fixed and movable fixtures, cases, racks, counters, and partitions not over five feet nine inches in height.

Section 11. Dates.

City Council Introduction: January 8, 2024

Planning Commission Review & Public Hearing: January 16, 2024

City Council Public Hearing: January 22, 2024

Effective: February 1, 2024

To review a complete list of City of Milford Ordinances or the City of Milford Code, please access the City of Milford website at [www.cityofmilford.com](http://www.cityofmilford.com) or contact the City Clerk's Office at 302-422-1111.