

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 February 24, 2025:

Ordinance 2025-02
Amendment to City of Milford Code
Chapter 174 Property Maintenance/Habitual Offenders

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the Mayor and City Council desire to amend the Property Maintenance code to define habitual, repeat offenders of the property maintenance and City code; and

WHEREAS, the Mayor and City Council desire to establish procedures and penalties related to habitual offenders of the Property Maintenance and City code; and

WHEREAS, the City Council held a public hearing on February 24, 2025, notice for which was published in the Delaware State News on February 2, 2025, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, the City Council finds that amending the Property Maintenance Code to define and establish penalties for habitual Property Maintenance and City code offenders is in the best interest of the public health, safety and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Property Maintenance Code of the City of Milford is hereby amended to add definitions and regulations pertaining to habitual Property Maintenance and City code offenders.

Section 2. Section 174-2 is hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

§ 174-2. Additions, insertions and changes.

The following sections are revised as follows:

- A. Section PM-101.1. Title. These regulations shall be known as the International Property Maintenance Code of Insert: City of Milford, hereinafter referred to as "this code."
- B. Section PM-103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. Add: Fees shall be assessed as described throughout this chapter.
- C. Add: Section PM-104.7. Conflict of interest. No officer or employee who has an official duty in connection with the administration and enforcement of this chapter shall be financially interested in the furnishing of labor, materials or appliances or the construction, alteration or maintenance of a

building or in making the plans or specifications therefor unless that person is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and the officer's official duties.

- D. Section PM-106.4. 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Add: Any person or persons who shall violate a provision of this code shall, upon conviction thereof, shall be fined not less than ~~\$250~~ nor more than ~~\$5,000~~^{\$1,000}. **Any person or persons who violate the habitual offender provision of this code shall, upon conviction thereof, be fined not less than \$250 for the first offense, \$1,000 for second offense and \$5,000 for each subsequent offense. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.**
- E. Section PM-108.3. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2. Add: If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation.
- F. Section PM-111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Add: Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Chapter 88, Article III of the Code of the City of Milford.
- G. Section PM-112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Insert: \$250 or more than Insert: \$1000.
- H. Add: Section 113. Habitual Offenders. Any person owning property who meets the definition of habitual offender shall be issued a notice of violation in accordance with the provisions of this Code and shall immediately be summoned to appear in court.**

- III.** Section PM-202. General Definitions.

HABITUAL OFFENDER – Any person or entity owning property who receives a notice of violation from the City for violating Chapter 174 Property Maintenance PM 302.1 Sanitation, PM 302.3 Parking on Approved Surfaces, PM 302.8 Motor Vehicles, PM 308.1 Accumulation of Rubbish or Garbage, PM-302.10 Indoor Furniture in Outdoor Areas or Chapter 230-20(O) Parking on the Grass on three separate occasions within a twenty-four-month period. Any person or entity owning property who shall be found guilty of violating the provisions of Chapter 79 Animals, Chapter 88 Building Construction, Chapter 130 Floodplain, Chapter 174

Property Maintenance, Chapter 180 Residential Rental Operating Licenses, or Chapter 230 Zoning on three separate occasions within a twenty-four-month period, exclusive of tall grass.

Add: INDOOR FURNITURE — Furniture and similar objects that are not specifically designed by the manufacturer to withstand the elements or are otherwise not intended for outdoor use. Indoor furniture includes, but is not limited to, beds and upholstered chairs, love seats and couches.

OUTDOOR AREA — That portion of real property or the improvement located thereon that is not fully enclosed and fully roofed so as to provide effective protection from the elements. Outdoor areas include, but are not limited to, sidewalks, yards, driveways, unenclosed porches, patios and balconies.

IJ. Section PM-302.3. Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Add: All vehicles must park on an approved parking surface. Approved parking surfaces include the following; crushed stone, gravel or similar material installed to a depth approved by the Code Official; asphalt, concrete, brick, paving block, or similar durable, dustless surface. Grass or dirt surfaces are not approved surfaces. All parking areas must be maintained in good order and free from vegetation, standing water and structural defects.

JK. Section PM-302.4. Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of Insert: 6 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Add: When cutting the grass as part of yard maintenance, all grass clippings must be removed immediately from the sidewalk and out of the street upon completion.

Notice of violation; removal by the City. The owner or agent of the property has five working days, after receipt of said notice, to comply with notice. No such notice shall be required for second and/or subsequent violations in the same calendar year. The notice shall be served upon the property owner or agent acting on behalf of the property owner. If the premises is vacant or unoccupied, notice may be served by posting of a notice placard on the premises and mailing a copy of said notice to the owner or his/her agent at his/her last known address. The City may cause the vegetation to be cut and removed and will impose a fee of \$100 per man hour, plus 10% for inspection and other added costs or fees that might be incurred to render the property in compliance with this chapter. In extreme cases, the fee will be levied in accordance with actual costs of equipment and personnel, and the hourly rate could be higher. These costs shall become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

KL. Add: Section PM-302.10. Indoor furniture in outdoor areas.

No person shall place, use, keep, store or maintain in any outdoor area any appliance, mattresses, indoor furniture, furnishings, or decorations customarily associated with the interior portion of a residential dwelling in any outdoor area.

Notice and removal. An occupant(s) shall receive a notice in the form set forth in Section PM-107 to remove said appliance, mattresses, indoor furniture, furnishings or decorations. If the appliance, mattresses, indoor furniture, furnishings or decorations are not removed within 5 days of

notification, the Code Official or his/her designated agent will have them removed and collected by the City of Milford, not as a regular service, but at a rate determined by the Code Official or his/her designee, and appropriate fees will be applied to the next utility bill for the address.

LM. Section PM-304.14. Insect screens. During the period from Insert: April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

MN. Section PM-602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from Insert: October 1 to April 30 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

NO. Section PM-602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from Insert: October 1 to April 30 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

OP. Include: Appendix A is hereby adopted.

Section 4. Dates.

Introduction to City Council: February 10, 2025

City Council Public Hearing: February 24, 2025

Section 6. Effective.

Ordinance is effective Ten (10) days following adoption date.

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 or contact the City Clerk's Office at 302-422-1111.