



*Town of Milton*

115 Federal Street, Milton, Delaware 19968

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**ORDINANCE NO. 2024-004**

**AN ORDINANCE TO AMEND TOWN CODE, CHAPTER 215, ENTITLED "WATER"**

**WHEREAS**, the Town Charter of the Town of Milton, Delaware ("Town") provides in Section 29, that, "the Town Council is vested by this Charter with the following powers, to be exercised by the Town Council in the interest of good government, and the safety, health and public welfare of the Town, its inhabitants and affairs"; and

**WHEREAS**, Section 29(8) of the Town Charter provides in pertinent part that the Town may "...provide an ample supply of potable water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by the Town may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits;..."

**WHEREAS**, the Mayor and Town Council previously enacted a water ordinance, codified as Chapter 215 of the Town Code; and

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor and Town Council of the Town of Milton that Chapter 215 of the Town Code be amended, with deletions shown by strikethrough and additions shown by underlining as follows:

§ 215-2. Unlawful acts.

A. No person shall, directly or indirectly, use the water from the mains of the Town for the purpose of washing vehicles or sprinkling streets, grass, shrubbery or gardens if the Town Manager or designee has issued an order provided for in this article.

B. No person shall park a vehicle or place other personal property over a water meter or water supply valve in such a manner that obstructs access to that meter or valve.

C. As an additional and separate offense from Subsection B of this section, following notice, which may be given orally or in writing, no owner of such vehicle or other personal property shall refuse to immediately move the vehicle or other property that obstructs access to any a water meter or water supply valve.

D. No person shall access the meter pit, interfere with the water meter, open a fire hydrant, or tamper with any water system appurtenance owned by the Town.

§ 215-3. Violations and penalties.

A. Any person violating any provision of this article shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

B. The application of any violation and/or penalty set forth herein shall not be held to prevent the enforced removal of any prohibited condition under this article, including immediate removal of the vehicle or other personal property that is over a water meter or water supply valve.

C. The owner of any vehicle or personal property removed as in violation of § 215-2B or C shall be responsible for payment of all charges for towing and storage of such vehicle or property.

D. Any person in violation of § 215-2D may be subject to water service termination or a stop work order until confirmation that the Town's water system or appurtenance has not been damaged.

§ 215-4. Consuming unit.

For the purpose of this article, a "consuming unit" shall be each separate residential or commercial use located on a lot that is connected to the Town of Milton's water system. When more than one residential use ~~unit~~ or where residential and commercial uses are located on a single lot, each use ~~unit~~ shall be considered a separate consuming unit.

§ 215-5. Termination of service by Town; notice.

A. Water service to any consuming unit shall be terminated and such consuming unit disconnected from the water system of the Town for any one of the following reasons:

(1) The failure to pay all or any part of any amount due for water service or any other services contemplated hereby within 15 days after the charge shall be due and payable.

(2) The resale of water furnished to the consuming unit.

(3) A break or leak in any lateral or communication pipe from the street line to the consuming unit or in any part of the water system belonging to such consuming unit.

(4) Disconnection by Tidewater Environmental Services, Inc (TESI) from the sanitary sewer system for any reason, including failure to pay TESI's charges in accordance with the TESI policies in effect at the time of disconnection. This precaution is for public safety.

B. Prior to the termination of services under this section, except termination pursuant to Subsection A(3) and A(4) above, the Town shall send a notice of termination to the owner of the consuming unit by certified mail, return receipt requested, stating the amount due and that service will be terminated after a specified date, no less than 10-days of the mailing, unless payment in full is received by the Town. ~~If the notice of termination is returned to the Town unclaimed or refused, service will be terminated five days from the unclaimed or refused date, unless payment in full is received by the Town.~~ The cost of the certified mailing shall be added to the consuming unit's account and included in the total amount due from said consuming unit.

§ 215-20. Turning water on or off at curb stop or water meter pit prohibited; exceptions.

A. No person shall turn water on or off at any curb stop or water meter pit within the Town's water service area without written authority from the Town Manager or designee, or the Town's ~~Supervisor of Public Works~~ Water Department Superintendent. A twenty-four-hour prior notice of intent to turn water on or off at the curb stop or water meter pit must be given to the Town, except as noted in Subsection B.

B. A plumber, duly licensed by the State of Delaware, may turn water off at any such curb stop or water meter pit without such prior written authority, but only in cases of emergency.

~~§ 215-26. Swimming pools. Reserved~~

~~Any consuming unit that includes a swimming pool shall refer to the Town Manager or designee for the policy then in effect for paying to fill pools that do not have separate water meters measuring the number of gallons used by such pools.~~

§ 215-30. Cross connection; prevention requirements.

A. The Town hereby adopts by reference the provisions of Sections 4455 ("Delaware Regulations Governing a Detailed Plumbing Code") and 4462 ("Public Water Systems") of Title 16 of the Delaware Administrative Code as those provisions relate to cross connection controls, including requiring consuming units with an irrigation system to have backflow prevention devices.

B. The Milton ~~Public Works~~ Water Department shall cause surveys to be made of all consuming units served by the Milton water system where the ~~Public Works~~ Water Department deems a cross connection with the Milton water support possible. The frequency of surveys and resurveys based on potential public health hazards involved shall be established by the ~~Public Works~~ Water Department and as approved by the Delaware Division of Public Health.

C. Employees of the Milton ~~Public Works~~ Water Department or of a contractor with a specific scope to conduct such surveys shall have the right to enter at any reasonable time any consuming unit for the purpose of surveying the piping system or systems thereof for cross connections. On request, the owner, lessee, or occupant of such consuming unit shall furnish to the survey agency any pertinent information regarding the piping system or systems relative to that consuming unit. The refusal to provide such information or such access, when requested, shall be deemed evidence of the presence of a cross connection.

D. The Milton ~~Public Works~~ Water Department is authorized and directed to discontinue water service after reasonable notice to any consuming unit wherein any connection in violation of this section exists and to take such other precautionary measures it deems necessary to eliminate any danger of contamination of the Town's water system. Water service to such consuming unit shall not be restored until all cross connections have been eliminated in compliance with this section.

E. All testable backflow prevention assemblies shall be tested initially upon installation to ensure that the assembly is working properly. Subsequent testing of assemblies shall be performed in accordance with the Delaware Division of Public Health requirements. Only individuals that are approved and certified by the State of Delaware shall be qualified to perform such testing. That individual shall certify the results of such testing.

F. The potable water supply made available by the Town's water system shall be protected from possible contamination as specified in this section and by other plumbing regulations of the state and the Town. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in as conspicuous manner as:

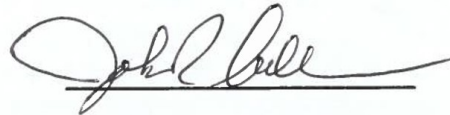
# WATER UNSAFE FOR DRINKING

G. This section does not supersede the other plumbing regulations of the state or the Town; this section is supplementary thereto.

H. Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Chapter 1, Article II, General Penalty, of the Milton Town Code. Each day upon which a violation of a provision of this section occurs shall be deemed a separate and additional violation.

I. The Milton ~~Public Works~~ Water Department shall develop a cross connection control plan specific to the Town and based on the Best Practices Manual for Cross Connection Control prepared under the auspices of the Delaware Division of Public Health.

I, **John R. Collier**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 3<sup>rd</sup> day of June, 2024, at which a quorum was present and voting throughout and that the same is still in full force and effect.



**MAYOR**

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