

## Town of Milton

115 Federal Street  
Milton, DE 19968



[www.milton.delaware.gov](http://www.milton.delaware.gov)

Phone: 302-684-4110

Fax: 302-684-8999

For immediate release: May 24, 2017

### **TOWN OF MILTON PRESS RELEASE**

The Town of Milton has received a Complaint filed by the ACLU Foundation of Delaware on behalf of Penny Nickerson relating to signs displayed in her front yard. The Town, through its attorney, Scott G. Wilcox, of Whiteford Taylor Preston, LLC, retained by the Town's insurer, has filed to remove the matter to federal court. The Town is committed to compliance with the State Constitution and the First Amendment of the United States Constitution. The U.S. Supreme Court recently confirmed that a municipality may reasonably view the general regulation of signs as necessary, as signs may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The Milton Town Code and its enforcement do not discriminate based on any person's political views, and Ordinance No. 2016-10 amended the Town Code last year in response to the recent case law. In respect for the judicial system and due process, the Town will not comment on an ongoing basis and looks forward to the matter's resolution.

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**ORDINANCE NO. 2016-010**

**AN ORDINANCE TO AMEND CHAPTER 220 OF THE TOWN CODE, ENTITLED  
"ZONING," RELATING TO SIGNAGE.**

**WHEREAS**, the Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

**WHEREAS**, the Charter of the Town of Milton vests power in the Town Council to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

**WHEREAS**, the Town Council of the Town of Milton has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

**WHEREAS**, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing; and

**WHEREAS**, the Town of Milton Planning and Zoning Commission held a duly noticed hearing on October 18, 2016 and voted 3-0 in the Advisory Report received by Town Council; and

**WHEREAS**, The Town Council held a public hearing on November 7, 2016, as scheduled by prior resolution, with proper notice by publication as required by Town Code Section 220-101;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby by incorporated into Chapter 220 of the Town Code, entitled "Zoning," in Article VIII, entitled "Signage."

Section 1. Amend Section 220-62 of the Town Code at the definition of "political sign" and "freestanding sign" by making additions as shown by underline and deletions shown by strikethrough as follows:

**FREESTANDING SIGN**

A sign principally supported by a structure affixed to the ground and not supported by a building, tree or utility pole including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see § 220-63.

## **POLITICAL SIGN**

A temporary sign ~~intended to advance a political statement, cause or candidate for office~~ erected no sooner than 90 days prior to any federal, state, county, school district, or municipal contested election or referendum with voting by Milton's residents and removed within 14 days following the election or referendum. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Section 2. Amend Section 220-63G of the Town Code by making additions as shown by underline and deletions shown by strikethrough as follows:

Political signs.

(1) No artificially illuminated signs of any type are allowed.

(2) Size is limited to six square feet per side.

(3) Signs must be freestanding.

(4) No more than one sign per office in the contested election or per issue on the referendum ~~candidate~~ is allowed per lot.

~~(5) Signs may be erected no sooner than 90 days prior to any contested election or referendum and shall be removed within 14 days following the election or referendum.~~

~~(6)~~ (5) No sign shall be placed closer than 25 feet to an intersection.

~~(7)~~ (6) No political signs shall be erected in a right-of-way.

~~(8)~~ (7) No permit is required.

I, **THEODORE J. KANAKOS**, 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 7th day of November, 2016, following a duly noticed public hearing, 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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## **SYNOPSIS**

This ordinance amends the Town Code's zoning ordinance relating to signage. Specifically, it removes the limitation within the definition that "political signs" that the signs must be intended to advance a political statement, thereby avoiding a preference for political speech over other types of speech.