

CHAPTER 94
FORMERLY
SENATE BILL NO. 64
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHEL RELATING TO ELECTIONS, ADMINISTRATION, FINANCE, AND DEVELOPMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE [2/3 of both houses concurring therein]:

Section 1. Amend the Charter of the Town of Bethel by showing insertions by underlining and deletions by strike through as follows:

~~Section 1.~~

Section 1: INCORPORATION:

The Municipal Corporation of the State of Delaware heretofore known as "Town of Bethel" shall be continued as a municipal body corporate of the State of Delaware.

~~Section 2.~~

Section 2: BOUNDARIES:

The boundaries of the Town of Bethel are hereby established and declared to be the same boundaries and limits that have been heretofore determined and as are designated and delineated on a plot of the Town of Bethel of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 8, Page 718.

The Town Council of Bethel may, at any time hereafter, cause a survey and plot to be made of the said boundaries and the said plot, when made and approved by the Council, may be recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity in this State.

~~Section 3.~~

Section 3: ANNEXATION:

If and when a majority of the property owners in territory contiguous to the Town of Bethel shall sign a petition seeking to have the area in which said property owners reside annexed to the Town of Bethel and submit the petition together with a survey of the area proposed for annexation to the Town of Bethel, the said Council shall submit the question of annexation to the voters of the Town of Bethel and the question shall be determined by a majority of said voters voting at an election to be held for that purpose in such manner by such persons and with such notice as the Town Council of Bethel shall determine by resolution.

~~Section 4.~~

Section 4: STRUCTURE AND POWERS OF GOVERNMENT:

The Government of the Town of Bethel and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in five Councilmen (one of whom shall be by them chosen President).

~~Section 5.~~

~~ELECTIONS. An election shall be held in said Town for elective officers on the last Saturday of February in each year from one to four o'clock in the afternoon, and at such place as shall be determined and fixed by the Town Council. At least ten days previous thereto, due notice thereof shall be given by said Town Council. At such election the votes shall be received by the State's Justice of the Peace residing in said Town, or by such other person as said Town Council may select, and the result of the balloting for said officers shall be ascertained by him and two competent citizens, qualified as voters of said Town, selected by said Town Council to assist in holding such election. At such election every citizen of the said Town of the age of eighteen years, or upward, shall have the right to vote. The persons who shall conduct such election as in this Act provide, shall be the judges thereof and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted. The candidates or candidate for Council for the three year term who have the highest and next highest number of votes for such office and term shall be declared elected. Immediately after such election, said persons under whose superintendence the election is held shall enter in a book to be provided for that purpose, a minute of~~

~~such election containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each and shall subscribe to the same and deliver said book to said Council at their organization meeting. They shall also give to the persons so elected a certificate of their election. The book containing such minutes shall be preserved by the Council and shall be evidence in all courts in this State or elsewhere. No person shall be voted upon as a candidate for any of such offices unless at least one week before the date set for said election, he or she shall have filed with the Secretary of said Town Council a letter or other certificate setting forth that he will be candidate for a certain designated office for a like designated term, he or she being at that time a non delinquent taxable. Immediately after the expiration of the time for filing names of candidates, said Town Council shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for instance, "vote for one" or vote for two", or as many as the voter shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for, for each particular office, at such elections, by drawing a line through the names of all persons who are candidates for each particular office except those candidates in each group desired to be voted for; provided, however, that no Elector at any such elections shall be allowed to vote for more candidates (but may vote for less) than the number to be elected at said election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:~~

~~OFFICIAL BALLOT~~

~~CANDIDATES FOR ELECTION TO ELECTIVE OFFICES IN THE TOWN OF BETHEL~~

~~For Town Council for the Term of Three Years~~

~~(vote for one)~~

~~For Town Council for the Term of Three Years~~

~~(vote for two)~~

~~The method of voting shall be by striking out the names of those not voted for so that the eligible number of candidates for any particular office shall remain on the ballot.~~

~~At the Town Election so as aforesaid held and at the elections held annually thereafter the voters of the Town of Bethel shall vote for two or one Councilmen to serve for a term of three years.~~

~~The Councilmen who shall be in office on the effective date of this Charter shall hold office until the expiration of their terms, and shall from the effective date of this Charter be known and designated respectively as the Councilmen of the Town of Bethel~~

~~Section 5(a).~~

~~VOTING MACHINES. The Council shall provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.~~

Section 5: ELECTIONS:

5.1: GENERAL:

1. An election shall be held for the elected officers of Bethel on the third Saturday of February in each year from 1:00pm until 4:00pm and at such place as shall be determined and fixed by the Town Council. Election procedure shall be in accordance with Delaware State Title 15, the Town of Bethel Charter, and Bethel Town Ordinances. Municipal elections shall be administered by the Bethel Municipal Board of Elections.

2. The Councilmen who shall be in office on the effective date of this Charter shall hold office until the expiration of their terms, and shall from the effective date of this Charter be known and designated respectively as the Councilmen of the Town of Bethel.

5.2: QUALIFICATION OF CANDIDATES:

Any person shall be eligible to the office of the Bethel Town Council who is at the time of his election:

1. a citizen of the State of Delaware; citizenship being recognized as claiming Delaware as home of

record for federal tax purposes, and

2. holds Bethel as a primary residence, and
3. is 18 years of age or older.

5.3: PROCEDURE:

1. The Bethel Municipal Elections Board shall conduct all municipal elections.
 - a. The Bethel Municipal Elections Board shall ensure that the Town of Bethel complies with applicable State, Charter, and Ordinance regulations as they apply to the Bethel municipal election.
 - b. The Bethel Municipal Elections Board shall provide for the use of mechanical or other devices for voting or counting the votes in accordance with Delaware State Title 15, the Bethel Town Charter, and the Bethel Town Ordinances.
 - c. The Bethel Municipal Elections Board shall appoint, train, and oversee at least 3 Election Poll Officers for the day of election duties.
 - i. Election Poll Officers will conduct the operation of the polling place on the day of election.
 - ii. At the close of the election polls:
 - 1) The votes shall be read and counted by The Election Poll Officers. The candidate having the highest number of votes shall be declared elected. If there are multiple seats available, the candidate with the next highest number of votes shall be declared elected.
 - 2) The Election Poll Officers shall enter in a book, provided for that purpose, a record of the election containing the names of all persons who were candidates for office, and showing the number of votes received by each. They shall then return the book to the Bethel Municipal Elections Board.
 - iii. The Bethel Municipal Elections Board shall deliver the Municipal Elections Book to the Bethel Town Council at the next scheduled Town Council meeting. The book containing such minutes shall be preserved by the Council and shall be evidence in all courts in this State or elsewhere.
 - iv. They shall also give to the persons so elected a certificate of their election.
 - d. In the event of a formal complaint, the Bethel Municipal Elections Board will sit in judgment of Election Poll Officers and shall decide on the legality of the election. Further appeals will be in accordance with Delaware State Law.

2. Absentee ballots shall be permitted in accordance with Delaware State Title 15, the Bethel Town Charter, and the Bethel Town Ordinances, if the voter meets the requirements set forth in Section 5 of the Bethel Town Charter.

3. No eligible voter shall be allowed to vote for more candidates than the number of open seats, but may vote for less. A mistake on the ballot shall not in itself invalidate the ballot, although voting for more candidates than there are open seats shall invalidate the entire ballot.

4. Elected positions on the Bethel Town Council shall be for a period of 3 years. Positions shall be so staggered that only 1 or 2 council positions are up for election each year. The exception falling under 5.5:

PUBLIC OFFICE VACATED.

5.4: VOTER ELIGIBILITY:

Each person shall have a single vote having met, on the day of election, the following requirements:

1. United States citizenship, and
2. Having reached the age of 18 years at time of the election, and
3. Be a resident of Bethel, or
 - a. a non-resident real property owner, or
 - b. declaring holding Bethel as a legal home of record, or

- c. person, or family member, holding a valid oral or written lease of residency within Bethel, or
- d. Multiple owners of Real Property shall be allowed a single vote per name (no matter how many properties are owned), or i.e., Beneficial owners of a corporate entity as defined by Title 8 of Delaware Code are entitled to vote with sufficient proof of ownership.

5.5: PUBLIC OFFICE VACATED:

If any vacancy shall occur on the Bethel Town Council, by death, resignation, loss of residence in the Town of Bethel, refusal to serve, failure to elect, conviction of a felony, or otherwise, the position shall be offered to the candidate of the preceding election who received the highest number of votes of candidates not winning a seat on the Council. If vacancy cannot thus be filled, it may be filled by a majority vote of the Bethel Town Council. The person or persons so chosen to fill such vacancy shall be Qualified as in the case of newly elected Commissioners and shall hold office until the next annual election, at which time said vacancy or vacancies shall be filled by an election for the remainder of the unexpired term.

~~Section 6-~~

Section 6: POWERS OF THE TOWN:

The Town Council of Bethel shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The Town Council of Bethel shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The Councilmen of Bethel, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal, or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed by, or enjoyed by the former corporation known as "The Town of Bethel."

The Council of Bethel may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas system, or other municipal purposes, but not for a gas manufacturing or generation plant, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware or restricted by this Charter, the Council of Bethel shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriated to the exercise thereof, it is intended that the Council of Bethel shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether expressed or implied, shall be exercised in the manner provided by ordinance or resolution of the Council.

~~Section 7-~~

~~QUALIFICATIONS OF ELECTED OFFICERS. No person shall be eligible to the office of the Council who is not at the time of his election a citizen of the State of Delaware and a resident of the Town of Bethel above the age of eighteen years.~~

Section 7: ACTIONS AND SUITS AGAINST THE TOWN

No claim or cause of action shall arise, and no judgment, damages, penalties, costs or other money entitlement shall be awarded or assessed against the Town of Bethel, or any board, commission or agency of the Town, or any Town public officer, employee or member of such Town instrumentalities, whether elected or appointed, and whether now or previously serving as such, in any civil suit, or before any administrative tribunal on any and all tort claims seeking recovery of damages, unless the person by or on behalf of whom such claim or demand is asserted, within one year from the happening of said injury or the suffering of such damages shall notify the Town of Bethel in writing of the time, place, cause, character and extent of the injury sustained or damages suffered. Such notice shall be directed to the Bethel Town Council by certified mail with return receipt requested and postage prepaid.

~~Section 8-~~

~~MEETINGS OF TOWN COUNCIL. The Council of Bethel shall hold an organization meeting in the evening~~

~~of the month following their election and shall meet regularly on the first Tuesday of each and every month thereafter at such place as the Council by resolution provide. Special meetings may be called by the President or by written request of any three Councilmen. All meetings shall be open to attendance by the public-~~

Section 8: MEETINGS OF TOWN COUNCIL:

1. The Bethel Town Council shall meet regularly the first Tuesday of the month at such place as the Council by resolution provides, or, if there be cause, the President of the Council may, with the concurrence of a majority of the Council, reschedule the meeting for the second Tuesday. The reason for the change will be announced and recorded in the Secretary's Report.
2. Organizational Meeting
 - a. The Bethel Town Council shall hold an Organizational Meeting as soon as possible after the Municipal Election, in accordance with State and local law.
 - b. At the Organizational Meeting members of the council:
 - i. shall elect by ballot one of their own to be President of the Council and President Pro Tempore of the Council,
 - ii. shall elect by ballot a Secretary and a Treasurer for the Council,
 - iii. Unless otherwise dictated by Delaware State law, the Bethel Town Council will appoint by a majority vote membership to standing committees, boards and commissions. All candidates must express their interest to the Bethel Town Council in writing prior to the meeting. Council shall not appoint any person who has not recently expressed an interest in serving.
3. Special meetings may be called by the President or by written request of any three Councilmen.
4. All meetings shall be open to attendance by the public.

~~Section 9:~~

~~PRESIDENT'S RELATIONSHIP TO COUNCIL MEMBERS. The President shall be the executive of the Town of Bethel. He shall preside at meetings of the Council, and shall have vote therein. He shall execute on behalf of the Town, when authorized by the Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. He shall appoint all committees. He shall countersign all orders, checks or warrants authorized by the Council and drawn on the Treasurer for the payment of money; and he shall have all and every power conferred and perform all duties imposed upon him by this Charter and the ordinances of the Town of Bethel. In case of the temporary absence or inability to act of the President, the Council shall elect a President Pro Tempore from among the Council to act during such temporary absence or inability of the President-~~

Section 9: PRESIDENT'S RELATIONSHIP TO COUNCIL MEMBERS:

The President shall be the executive of the Town of Bethel. He or she shall preside at meetings of the Council, and shall have vote therein. He or she shall execute on behalf of the Town, when authorized by the Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. He or she shall countersign all orders, checks or warrants authorized by the Council and drawn on the Treasurer for the payment of money; and he or she shall have all and every power conferred and perform all duties imposed upon him or her by this Charter and the ordinances of the Town of Bethel. In case of the temporary absence or inability to act of the President, the Council shall elect a President Pro Tempore from among the Council to act during such temporary absence or inability of the President.

~~Section 10:~~

Section 10: POWERS OF COUNCIL:

The Council shall constitute the legislative body of the Town of Bethel and together shall be designated as the Town Council. The Council shall have the authority to appoint all committee, commissions and board members by a simple majority vote. The Council shall have power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town, which power shall extend to the area inside the Town limits and within one mile from said limits. The Councilmen may also pass ordinances to ascertain and fix boundaries of streets, squares,

lanes and alleys; or repair and amend the same, and provide for the paving thereof, or to close, alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes and alleys; to fix the building lines upon the same; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to yards and buildings; to provide police and the lighting of streets at the expense of the Town, and generally to prescribe and regulate the use of the streets, lanes, and alleys of the Town and to have and exercise control over the same; subject to the provisions in that behalf thereafter contained, and to the general supervision and control of the General Assembly, to provide for the regulations of auctions and auctioneers, also to regulate public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls and materials of buildings and the mode of erecting the same within said Town; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcement of such regulations; to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets and sidewalks within the Town of Bethel, and fix the license fee thereof and the penalty for not paying said fee or the breach of any other provision of such ordinance or regulation and in all other respects regulate the markets within the said Town of Bethel. Provided, that no license fee shall be charged the local producer who vends meats, fruits, vegetables or other farm products; to provide against the adulteration of milk and cream sold or sought to be sold in the said Town, and to provide for the proper inspection of the same; and in its discretion to provide for the payment of the expenses thereof; to provide for the measuring or weighing of coal, lime, grain, or other matter sold in the said Town; to regulate the storage of gunpowder or any other dangerous matter. They shall have power to lay and collect fines on the owners of any horse, cow, dog, or other animal which may be found at large in any of the streets, squares, lanes, or alleys aforesaid, and in general shall have power to do all those matters and things for the well-being of the said Town, which shall not be in contravention of any existing laws of this State or the Constitution thereof. The Council shall not have power to exempt any individual from the operation of any general ordinance or municipal regulations. The Council shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the said Town to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of registering, the amount of the annual fee thereof, and the penalty for not registering by ordinance.

~~Section 11.~~

~~JUDGE OF QUALIFICATIONS OF COUNCILMEN. The Council shall be the judge of the election and the qualifications of its members and for such purpose shall have the power to subpoena witnesses and require the production of records, but the decision of the Council shall be subject to review by the courts.~~

~~Section 12.~~

Section 11: RULES OF PROCEDURE: RECORD:

The Council shall determine its own rules of procedure and order of business. It shall keep a record of its proceedings and the records shall be open to public inspection. Election of appointive officers shall be by a majority vote of the Council and the results shall be entered on the record of the Council.

~~Section 13.~~

Section 12: QUORUM AND MAJORITY REQUIREMENT:

A majority of the members elected to the Council shall constitute a quorum to do business but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No ordinance shall be valid unless it shall have the affirmative vote of a majority of the members elected to the Council. Resolutions, orders and motions shall be valid upon the affirmative vote of a majority of the members of the Council present. No member shall be excused from voting on ordinances, resolutions, orders or motions, except by demonstrating to the Town Council that a conflict of interest exists that the Town Council, by majority agreement, could be perceived as presenting a reason of conflict of interest.

~~Section 14.~~

Section 13: ORDINANCES:

In addition to such acts of the Council as are required by this Charter or by other State law to be by ordinance, every act of the Council establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be "The Town of Bethel does hereby ordain".

~~Section 15.~~

Section 14: PROCEDURE FOR ENACTING ORDINANCES:

Every ordinance shall be introduced in writing and no ordinance shall be passed unless it shall have the concurrence of a majority of the members elected to the Council and unless it shall have been read in its entirety at least one time presented to the Public in its entirety at least 15 days prior to the taking of the vote thereon. All ordinances passed after the effective date of this Charter shall be copied into the records of the Council and an index of such ordinances shall be kept by the Secretary.

~~Section 16.~~

Section 15: ORGANIZATION CHANGES BY THE COUNCIL:

The enumeration of certain officials in this Charter to be appointed by the Council is not to be construed as a limitation on the power of the Council to create such new offices as may be deemed essential to accomplish the objectives of the Town of Bethel, and to provide for the selection of suitable persons to fill any positions or offices.

~~Section 17.~~

~~THE SECRETARY. The Secretary shall record all the proceedings of the Council and keep a correct record of the same in a book to be provided for the purpose and shall file and keep in a safe place the Seal or" the Town and all~~

~~papers and documents relative to the affairs of the Town; and deliver the same to his successor in office. The Secretary shall attest the Seal of the Town when authorized by the Council and shall perform such duties and have such other powers as may be prescribed by the Council. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Council and the public under such regulations as Council may prescribe. The Secretary may be a member of the Council. He shall be elected by ballot at the annual organization meeting for a period of one year or until his successor is duly elected and qualified.~~

Section 16: THE SECRETARY:

1. The Secretary may be a member of the Council. The Secretary shall be elected by ballot, by the Town Council, at the annual organization meeting, for a period of one year or until a successor is duly elected and qualified, and shall perform such duties and have such other powers as may be prescribed by the Council
2. The Secretary shall record all the proceedings of the Council and keep a correct record of the same in a book to be provided for the purpose, and shall file all papers and documents relative to the affairs of the Town. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Council and the public under such regulations as Council may prescribe.
3. The Secretary shall keep in a safe place the Seal of the Town, and shall attest the Seal of the Town when authorized by the Council.

~~Section 18.~~

Section 17 THE SOLICITOR:

At the annual organization meeting the Council may elect by ballot by majority vote a Town Solicitor for a term of one year or until his successor shall have been duly elected and qualified. The Town Solicitor shall be a member of the Bar of the State of Delaware. It shall be his or her duty to give legal advice and services as directed by the Town Council, to the Council and other officers of the Town, and to perform other legal services as may be required of him or her by the Council.

~~Section 19.~~

Section 18: THE ALDERMAN:

~~At the annual organization meeting or as soon thereafter as practicable, the Commissioners may elect by ballot some suitable person to be Alderman of the Town of Bethel to serve as such for the term of one year, or until his successor shall be duly elected and qualified; subject, however, to be removed from office at any time by a vote of two thirds of all the members comprising the Council. He may or may not be a Justice of the Peace but he shall not be a member of the Council. Before entering upon the duties of his office he shall be sworn or affirmed by the President or by any one of the Council, or by any Justice of the Peace, to perform the duties honestly, faithfully, and diligently. He shall have jurisdiction and cognizance of all breach of the peace and other offenses in the said Town so far as to arrest and hold for bail, or fine and imprison offenders, and he shall also have jurisdiction and cognizance of forfeitures, and penalties which may be prescribed by any law of this State, or by any ordinance of the Town Council regularly passed and established for the government of the Town. Provided, that in the case of a violation of an ordinance, he shall impose no fine or penalty in excess of that fixed by the ordinance, and shall not commit to prison for a longer term than 60 days in default of the payment of a fine imposed by him. He shall keep a book to be called "Alderman's Docket," in which shall be entered at large all his official acts. His fees for any service under this section shall be established by ordinance. If any vacancy shall occur in the office of the Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by the Council at any meeting thereafter for the residue of the term. If any Alderman shall be removed from his office by the Council as herein provided, he shall deliver to his successor in office within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the Treasurer of the Town all moneys in his hand belonging to the said Town within five days after his removal; upon his neglect, or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon neglect or failure to pay over to the Treasurer of the Town, within the time aforesaid, all moneys belonging to the Town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars. The Alderman at every stated meeting of the Council shall report to it all fines and penalties imposed by him since their last meeting, and pay to the Treasurer of the Town all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars.~~

1. The Council is authorized to establish an Alderman's Court in a manner consistent with Constitution and laws of the State of Delaware.
2. Appointment. An Alderman and Assistant Alderman shall be recommended by the Town, appointed by the Governor and confirmed by the Delaware State Senate. Once confirmed the Alderman and/or Assistant Alderman shall be sworn into office by the Mayor, and evidence of his or her appointment shall be recorded at the Recorder of Deeds in Sussex County.
3. Appointment and Reappointment Nomination. When a vacancy occurs the Town Council shall by majority vote, submit a list of one or more qualified candidates and the application(s) and supporting documentation to the Governor for consideration of appointment. Not less than thirty (30) days prior to the expiration date of an Alderman's or Assistant Alderman's term, the Town Council shall by majority vote, determine whether or not to recommend reappointment of the Alderman or Assistant Alderman for an additional term. The Town shall submit a letter of recommendation to the Governor for consideration of reappointment, or alternatively, its written recommendation of one or more qualified candidates along with their applications and supporting documentation to the Governor for consideration of appointment.
4. Term of Office. The Alderman and Assistant Alderman shall serve a two-year term and shall remain in office until either reappointed or a successor is duly qualified.

5. Removal. An Alderman or Assistant Alderman may be censured or removed subject to the provisions of Article IV, Section 37 of the Delaware Constitution of 1897 and the Rules of the Court on the Judiciary. An Alderman or Assistant Alderman may also be replaced upon expiration of a term, following Senate confirmation of a new Alderman or Assistant Alderman. If any Alderman or Assistant Alderman has been removed from office by Senate confirmation of a new nominee or by action of the Court on the Judiciary, he or she shall, within five (5) days of the Senate confirmation or Court on the Judiciary action, deliver to the Mayor all the books and papers belonging to the Town, and shall within five (5) days pay over to the Treasurer all moneys in his/her hands. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or Assistant Alderman, the Mayor may require the auditor of the Town to make an audit of the books and papers of the official who has been replaced. Upon the neglect or failure to deliver all the books and papers to the Mayor within the time specified by this Charter, or to pay over all of the moneys to the Treasurer within the time specified, the Alderman or Assistant Alderman, so replaced, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100) for each day that he or she fails to deliver the books and papers to the Mayor or to pay over all moneys to the Treasurer.

6. Vacancy. In the absence of the Alderman, or when a vacancy occurs in the office of Alderman, the Assistant Alderman shall exercise all the powers, duties, and responsibilities of the Alderman as set forth in this Charter. When a vacancy occurs for an Alderman and there is no Assistant Alderman to act as Alderman, and the Delaware State Senate is recessed for more than 6 weeks, the Town may elect to have a retired Magistrate act as Alderman pending confirmation of a nominee with the Delaware State Senate. Such retired Magistrate must meet the appointment qualifications of 10 Del. C. Section 9211(a) to serve in such capacity, and shall receive such compensation as may be established by the Town Council. A retired Magistrate acting as Alderman shall have all powers, duties, and responsibilities of the Alderman as set forth in this Charter.

7. Qualifications. Any person appointed to serve as Alderman or Assistant Alderman shall be at least twenty-one (21) years of age, a United States citizen, of good character and reputation, shall live within Sussex County, and shall not be a member of the Town Council or otherwise an officer or employee of the Town.

8. Oath of Office. Within 14 days of Senate confirmation the Alderman or Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of office honestly, faithfully, diligently, and to uphold and enforce the Charter of the Town and ordinances duly enacted by the Town Council.

9. Duties. It shall be the duty of the Alderman and Assistant Alderman to adjudicate actions brought under any ordinances legally enacted or established by the government of the Town and to carry into effect all legally binding orders and directions of the Town Council made pursuant to any law of this State or its Constitution. In carrying out the duties of the office, an Alderman or Assistant Alderman shall comply with the ethical responsibilities required of Aldermen in this state and shall operate the court in accordance with the Criminal Rules of Procedure for the Alderman and Mayor Courts of the State of Delaware.

10. Compensation. The compensation of the Alderman and Assistant Alderman shall be fixed by the Town Council and approved in conjunction with the Town Council's adoption of the Town operating budget. If no change is proposed and approved by the Town Council, the previously established compensation rate shall continue in effect until revised by a majority vote of the Town Council. Such compensation shall not be contingent upon or related to the amount of any civil or penal fines imposed or collected through the Alderman Court and shall not be reduced during the term of office.

11. Alderman's Docket. The Town Council shall procure suitable records for the use of the Alderman and the Assistant Alderman. Such records shall be known as the "Alderman's Docket." The Alderman and Assistant Alderman shall record all official acts and proceedings in the Alderman's Docket. All

criminal matters, but not civil matters, shall be entered into the Delaware Criminal Justice Information System (DELJIS) as required by law.

12. Jurisdiction. The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace, offenses and violations of any civil or criminal ordinance of the Town committed within the corporate limits of the Town of Bethel. As to such offenses or violations over which they are given jurisdiction by this Charter or by any other law of the State of Delaware, the Alderman and Assistant Alderman shall be authorized and empowered to hold for bail, set bail, impose fines, or imprison, for each offense or violation in accordance with the penalties provided by this Charter, by any Town Ordinance enacted hereunder, or as provided by any law of the State of Delaware; provided however, that the maximum fine which the Alderman or Assistant Alderman may impose shall never exceed the limits established by this Charter.

13. Civil and Criminal Penalties; Costs. Neither the Alderman nor the Assistant Alderman shall impose any penalty in excess of Five Hundred Dollars (\$500) exclusive of costs nor imprison any offender for more than thirty (30) days, or both, except as otherwise specifically provided in this Charter or by state statute; but the Alderman and Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinance or resolution of the Town Council.

14. Monthly Report to Town Council. The Alderman and Assistant Alderman shall prepare and submit a written monthly report to the Town Council reporting all fines and penalties imposed during the preceding calendar month and shall pay to the Treasurer of the Town all such fines and penalties at such times as the Town Council shall direct. Neither the Town Council nor the Mayor may establish or communicate an expected revenue budget for the Alderman Court.

15. Alderman Court Facilities and Staff. The Town of Bethel shall provide adequate and appropriate facilities and staff to facilitate the independent judicial operations of the Alderman Court. Facilities shall be separate from conflicting town operations, including, but not limited to, police agency functions. The town may house the Alderman Court in a common municipal building, so long as the Alderman's Court is provided space physically separate from other town functions and is further situated in such a manner to foster public confidence in the independence of the Court. Likewise, staff assigned to the Court shall not be shared with conflicting town government operations.

Section 20:

~~TREASURER. At the annual organization meeting the Council shall elect by ballot a Treasurer for a term of one year, or until his successor shall have been duly elected and qualified. He shall be custodian of all funds of the Town of Bethel and shall deposit them, daily, in banking institutions as designated by the Council. He shall not pay out any money except upon check or warrant countersigned by the President and authorized by the Council; shall keep a true, accurate and detailed account of all monies received and of all monies paid out by him; shall preserve all vouchers for monies paid by him; and his books and accounts shall at all times be open to inspection by the President or the members of the Town Council, and by the general public during reasonable hours; and he shall make such reports and at such times as the Council may direct. He may be a member of the Council. The Treasurer, before entering upon the duties of his office, shall give bond to the Town Council of Bethel at the expense of the Council of Bethel in such manner as shall by them be determined, with surety to be approved by said Council conditioned for the faithful performance of the duties of his office.~~

Section 19: TREASURER:

1. The Treasurer may be a member of the Council. The Treasurer shall be appointed by ballot, by the Town Council, at the annual organization meeting, for a period of one year or until a successor is duly appointed and Qualified, and shall perform such duties and have such other powers as may be prescribed by the Council.
2. No person shall hold the position as Treasurer for the Town of Bethel for a period longer than 5 consecutive years. If such limit is reached, said person shall not serve as Treasurer for the Town of

Bethel for a period of 2 years.

3. The Treasurer shall be custodian of all funds of the Town of Bethel and shall deposit them, in a timely manner, in banking institutions as designated by the Council.
4. The Treasurer shall have all the powers conferred upon or vested in the Receiver of Taxes and the County Treasurer for Sussex County.
5. The Treasurer shall:
 - a. not pay out any money except upon check or warrant countersigned by the President and authorized by the Council, and
 - b. keep a true, accurate and detailed account of all monies received and of all monies paid out; shall preserve all vouchers for monies paid; and the books and accounts shall be open to inspection by the Bethel Town Council, and by the public during reasonable hours, and
 - c. make such reports and at such times as the Council may direct.
6. The Treasurer, before entering upon the duties of his office, shall give bond to the Town Council of Bethel at the expense of the Town Council of Bethel in such manner as shall by them be determined, with surety to be approved by said Council conditioned for the faithful performance of the duties of the Treasurer.

~~Section 21.~~

Section 20: THE ASSESSOR:

The Assessor may be elected by ballot at the annual organization meeting for a period of one year or until his successor has been duly elected and qualified. His duties shall be as hereinafter provided.

~~Section 22.~~

~~POLICE. It shall be the duty of the Council to appoint a police force consisting of a Chief and such number of subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the police force. The members of the force shall be subject to the directions of the Council, through Chairman of Public Safety, and may be removed by the Council subject to the provisions of Section 23. They shall preserve peace and order, and shall compel obedience within the Town limits, of the ordinances of the Town and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe. Each member of the police force shall be vested, within the Town limits and within one mile outside of said limits with all the powers and authority of a Constable of Sussex County, and may carry firearms, and in case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.~~

Section 21: POLICE:

1. The Bethel Town Council has the authority to appoint a police force consisting of a Chief and such number of subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the police force.
2. The members of the force shall be subject to the directions of the Council, and may be removed by the Council subject to the provisions of Section 23. They shall preserve peace and order, and shall compel obedience, within the Town limits, of the ordinances of the Town and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.
3. Each member of the police force shall be vested, within the Town limits and within one mile outside of said limits with all the powers and authority of a Constable of Sussex County, and may carry firearms, and in case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

~~Section 23.~~

Section 22: COMPENSATION OF OFFICERS AND EMPLOYEES:

The Council shall have power to fix the compensation of all officers elected appointed by ballot at the annual organizational meeting, and such other officers, employees and agents of the Town, which by it may be

deemed proper and necessary for the proper conduct and management of the Town. Any officer or employee may be removed by the Council for sufficient cause; however, after five years' service removal may not be made without a public hearing.

~~Section 24.~~

Section 23: FISCAL YEAR:

~~FISCAL YEAR. The fiscal year of the Town of Bethel shall begin on the first day of March of each year and shall end on the last day of February. The fiscal year of the Town of Bethel shall concur with the fiscal year of the Sussex County, Delaware government.~~ Such fiscal year shall also constitute the budget and accounting year.

~~Section 25.~~

Section 24: BUDGET:

~~BUDGET.~~ Annually each year, ~~and not later than the first Tuesday in February and not later than the Town Council meeting in May,~~ the Council shall cause to be submitted a budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year. The budget shall contain the following information:

1. A detailed estimate of the expense of conducting each department and office of the Town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, the amount required for the sinking fund.
5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the Town from any source or sources.
6. Council shall allow adequate reserve for depreciation.
7. The budget shall be used as a guide in determining Town expenditures but shall not be a limitation upon the power of the Council to appropriate funds in excess of the amounts set forth in the budget, if in its discretion it seems advisable to do so.

~~Section 26.~~

~~INDEPENDENT ANNUAL AUDIT. Each year in the month of February the Council shall designate a certified public accountant or firm of certified public accountants, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of fiscal transaction of the Town government and shall submit their report to the Council. Such accountant, shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or of any of its officers. They shall not maintain any accounts of the Town business, but shall, within specifications approved by the Council, audit the books and documents of the Treasurer or other appropriate officer and any separate or subordinate accounts kept by any other office, department, or an agency of the Town government. When received, the report of the auditors shall become part of the minutes of the Council.~~

Section 25: FINANCIAL REVIEW:

1. Each year, 2 months prior to the end of the fiscal year, the Council shall appoint a committee (of 3 to 5 persons) to make an independent financial review of accounts and other evidence of fiscal transaction of the Town government and shall submit a report to the Council. This committee shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or of any of its officers. This committee shall not maintain any accounts of the Town business, but shall, within specifications approved by the Council, audit the books and documents of the Treasurer or other appropriate officer and any separate or subordinate accounts kept by any other office, department, or an agency of the Town government. When received, the report of this committee shall become part of the minutes of the Council.

- 2- Every 5 years the responsibility of a financial review shall be assigned to a licensed certified public accountant.

~~Section 27.~~

~~POWER TO RAISE REVENUE. The Council shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than \$40,000 in any one year clear of all delinquencies and expenses of collection. The Council shall have the right to grant or refuse, and to charge fees for licenses, or permits for businesses of any description carried on within the limits of the Town as well as for transient businesses and shown except as otherwise provided herein. The Council shall likewise have the power to levy and collect taxes commonly known as "head tax." The Council shall also have the power to levy and collect franchise taxes and to impose sewer rentals and water rentals~~

~~All business establishments employing ten or more employees hereafter established with the Town of Bethel or brought within its boundaries by virtue of the adoption of this Charter, or by virtue of any future extension of said boundaries shall be exempt from Town taxation for the term of ten years from the time said plants are established or brought within the boundaries of said Town.~~

~~The Council shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation; provided, however, that no such exemption shall be in favor of a free enterprise profit making organization unless it shall come within the terms of the exemption for any established manufacturing plants as hereinbefore provided.~~

~~The Council shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town,~~

Section 26: POWER TO RAISE REVENUE:

1. The Council shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware.
2. The Council shall have the right to charge fees for licenses, or permits for businesses of any description carried on within the limits of the Town as well as for transient businesses except as otherwise provided herein.
3. The Council shall have the power to levy and collect taxes commonly known as "head tax."
4. The Council shall have the power to levy and collect franchise taxes, to impose sewer and water rentals, to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.
5. The Council shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

~~Section 28.~~

Section 27: THE TOWN MAY ENGAGE IN BUSINESS:

1. The Town of Bethel shall have the right to engage in any business or enterprise in which a person, firm or corporation might engage by virtue of a franchise, except the provision of telephone or telegraph service and except the generation or distribution and sale of electric light and power; and shall have the right and power to acquire, own and maintain, within the corporate limits of such Town, all real estate for municipal purposes for sites and rights-of-way for public utility and general welfare purposes and for the location, erection and maintenance thereon of municipal utility plants and public facilities.
2. In any case where the Council may deem it to be to the best interests of the people of the Town of Bethel to acquire the properties of any privately owned utility except a telephone or telegraph corporation and except electric generation or distribution within the present or future boundaries of the Town, the question shall be submitted to a vote of the freeholders of the Town of Bethel. The Commissioners may at any time call a special election for such purposes upon thirty (30) days notice.

In acquiring said utility property, the Town of Bethel shall respect the franchise rights of the owners and shall in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility properties by municipalities. The Town Council shall be authorized to negotiate the aforementioned purchase only upon the approval of a majority of the freeholders of the Town of Bethel.

~~Section 29.~~

~~POWER TO BORROW MONEY. The Town of Bethel may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the Town of Bethel or revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment for the supply and distribution, but not for the manufacture or generation, of gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing, or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the Town of Bethel in the costs of any permanent municipal improvement. If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed \$25,000 at any one time.~~

~~If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town of Bethel within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the Town of Bethel may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town of Bethel out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Council shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefore, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefore.~~

~~Before the Town of Bethel may incur indebtedness by the issuance of bonds as aforesaid, the borrowing of money shall have been authorized by the Council and shall have been approved in the following manner:~~

- ~~1. The Council shall by resolution propose to the freeholders of the Town of Bethel the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in Sussex County nearest to the Town of Bethel at least one week prior to the hearing date.~~
- ~~2. A public hearing shall be held at which time all persons interested wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Council.~~
- ~~3. If the Council desires to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than 30 days nor more than 60 days after the day of such resolution.~~
- ~~4. The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in Sussex County nearest to the Town of Bethel once a week for 3 successive weeks prior to the election. The special election shall be conducted by the Election Board as herein provided for annual elections.~~
- ~~5. The Council shall cause the Election Board to prepare, print and have available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said~~

~~referendum all freeholders of the Town of Bethel shall be entitled to one vote for each dollar or fractional part thereof of Town Tax that shall have been assessed to said freeholder and which at the time of said referendum shall not be delinquent. Corporations shall be considered as freeholders. If a freeholder whose Town Taxes are delinquent shall offer to vote, his vote shall be refused until such time as he can produce to the Election Board a receipt showing his Town Taxes to be paid in full.~~

~~6. The Election Board shall count the votes for and against the proposed loan and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan; and shall deliver the same to the Council which certificates shall be entered on the minutes of the Council and the original shall be filed with the papers of the Council. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.~~

~~7. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Council. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in Sussex County nearest the Town of Bethel and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Council shall provide, in its budget, for revenues sufficient to pay the interest and principal on the said bonds or certificates or indebtedness at the maturity or maturities therefore. The faith and credit of the Town of Bethel shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.~~

Section 28: POWER TO BORROW MONEY:

1. The Town of Bethel may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the Town of Bethel or revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment for the supply and distribution, but not for the manufacture or generation, of gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing, or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the Town of Bethel in the costs of any permanent municipal improvement. If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed \$25,000 at any one time.
2. If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town of Bethel within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the Town of Bethel may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town of Bethel out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Council shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient
 - a. to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefore, and
 - b. to provide for all expenses of operation and maintenance of such undertaking, including reserves therefore.
3. Before the Town of Bethel may incur indebtedness by the issuance of bonds as aforesaid, the

borrowing of money shall have been authorized by the Council and shall have been approved in the following manner:

- a. The Council shall by resolution propose to the freeholders of the Town of Bethel the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in Sussex County nearest to the Town of Bethel, in accordance with State and local law.
- b. A public hearing shall be held at which time all persons interested wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Council.
- c. If the Council desires to continue with the bond proceedings, it shall then, by resolution, direct that the Question be submitted to a referendum. An election shall be held not less than 30 days nor more than 60 days after the day of such resolution.
- d. The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in Sussex County nearest to the Town of Bethel once a week for 3 successive weeks prior to the election. The special election shall be conducted by the Election Board as herein provided for annual elections.
- e. The Council shall cause the Election Board to prepare, print and have available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said referendum all freeholders of the Town of Bethel shall be entitled to one vote for each dollar or fractional part thereof of Town Tax that shall have been assessed to said freeholder and which at the time of said referendum shall not be delinquent. Corporations shall be considered as freeholders. If a freeholder whose Town Taxes are delinquent shall offer to vote, his vote shall be refused until such time as he can produce to the Election Board a receipt showing his Town Taxes to be paid in full.
- f. Election Board shall count the votes for and against the proposed loan and shall announce the result thereof shall make a certificate under their hands of the number of votes cast for and against the proposed loan; and shall deliver the same to the Council which certificates shall be entered on the minutes of the Council and the original shall be filed with the papers of the Council. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.
- g. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Council. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in Sussex County nearest the Town of Bethel and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Council shall provide, in its budget, for revenues sufficient to pay the interest and principal on the said bonds or certificates or indebtedness at the maturity or maturities therefore. The faith and credit of the Town of Bethel shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

~~Section 30.~~

Section 29: BORROWING, FOR CURRENT EXPENSES:

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing

such amounts as are needed. Provided, however, the amount of such indebtedness shall not at any time exceed the sum of \$5,000. To exercise the power aforesaid the Council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Council. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the bonded debt of the Town when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

~~Section 31.~~

SECTION 30: ELECTION OFFICERS

All elections shall be held by an Election Board consisting of one Councilman together with two other persons, not Councilmen, to be appointed by the President with the approval of the Council. Should the members of the Election Board be absent from any designated place of election at the time of said election, or fail or neglect to act in the conduct of such election, during all the time the polls are open, the voters present at the polls shall choose such number of persons as shall be necessary to fill the places vacant due to the absence of the proper officials.

When the polls shall have been closed, the election officers shall publicly count the ballots and shall certify the result of the election to each of the persons elected and to the Council.

~~Section 31.~~

~~ELECTION OFFICERS. All elections shall be held by an Election Board consisting of one Councilman together with two other persons, not Councilmen, to be appointed by the President with the approval of the Council. Should the members of the Election Board be absent from any designated place of election at the time of said election, or fail or neglect to act in the conduct of such election, during all the time the polls are open, the voters present at the polls shall choose such number of persons as shall be necessary to fill the places vacant due to the absence of the proper officials. When the polls shall have been closed, the election officers shall publicly count the ballots and shall certify the result of the election to each of the persons elected and to the council.~~

SECTION 31: CONTRACTS

All contracts of whatever character involving an expenditure above an amount determined by resolution of the Council shall be written and shall be let and made by the Council and shall be based on specifications provided by the appropriate person designated by the Council. Pending advertisement for bids, any plans, specifications, and profiles to be used in the proposed work or contract shall remain on file in the office of the Council and shall be subject to the inspection of any interested person. All contracts and purchases above an amount determined by resolution of the Council shall be entered into and made only after advertising in a newspaper of general circulation in Sussex County nearest the Town of Bethel, inviting competitive bids. Each such bid shall be sealed and filed with the person designated by the Council. All bids shall be opened in the presence of the Council or a duly authorized committee of the Council and shall remain on file.

The Council shall consider all bids which have been properly filed and may enter into a contract with the party offering the lowest and/or best bid, or they may reject all bids and re-advertise for bids, or they may have the work done under the supervision of the proper department of the Town. The awarding of a contract to the successful bidder shall give no right of action or claim against the Town upon such bid or contract until the same shall be reduced to writing and duly signed by the contracting parties. The Council shall have the power to require all bidders to post bonds to secure the performance of the contract and all claims for labor and material used in the work. The Council may reject any supplies as well as any other public work and buy supplies on the open market at a price less than the lowest bid received, or, if no bids are received, the Council may direct the purchase of supplies in the open market. Nothing in this Section shall be construed to apply contracts for the provision of utility service at rates regularly on file with the Public Service Commission or Delaware or any federal regulatory body.

~~Section 33.~~

~~ASSESSMENT PROCEDURE: The Assessor shall annually make a true, just and impartial valuation and assessment of all real estate with the Town except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware and also of such personal property as is subject to County assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds, or automobiles be assessed or taxed. He shall prepare and submit to the Council on or before March 1 two or more copies of the assessment showing the location of each parcel of real and personal property, by street and number or other suitable description. When the Council approves the roll as prepared or as modified by the Council it shall cause a full and complete transcript thereof to be posted in said Town on or before the 15th of March at that place designated by the Council; the said transcript to remain posted up to but not including the appeal day. Notice shall be advertised in a newspaper of general circulation in Sussex County nearest the Town of Bethel at least once and notice shall be given by posting such announcement in at least five public places throughout the Town. Such notice shall show the time and place where the assessment list may be viewed and the time and place of hearing appeals.~~

~~On the fourth Saturday of March, the Council shall hold a court of appeals, which may continue open from one o'clock p.m. to eight o'clock p.m. and on such successive Saturdays as may be necessary during which time the Council shall hear and determine appeals from the said assessment and shall make such corrections or additions as may be deemed necessary and proper. If the said appeal day shall fall on a holiday, the appeals shall be heard on the next day. The decision of a majority of the Council sitting on appeals shall be final and conclusive in respect to all appeals.~~

~~No members of the Council shall sit on his own appeal, but the same shall be heard and determined by the other members of the Council. After the said valuation and assessment shall be examined and adjusted by the Council all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.~~

Section 32: ASSESSMENT PROCEDURE:

1. The Treasurer for the Town of Bethel may use the property assessment calculated by Sussex County, State of Delaware as a basis in determining property taxes due to the town, or
2. If one is appointed, the Assessor for the Town of Bethel shall annually make a true, just and impartial valuation and assessment of all real estate with the Town except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware and also of such personal property as is subject to County assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds, or automobiles be assessed or taxed. The Assessor shall prepare and submit to the Council two or more copies of the assessment showing the location of each parcel of real and personal property, by street and number or other suitable description. When the Council approves the roll as prepared or as modified by the Council it shall cause a full and complete transcript thereof to be posted in said Town at that place designated by the Council; the said transcript to remain posted up to but not including the appeal day. Notice shall be advertised in a newspaper of general circulation in Sussex County nearest the Town of Bethel at least once and notice shall be given by posting such announcement in at least two public places throughout the Town. Such notice shall show the time and place where the assessment list may be viewed and the time and place of hearing appeals.
 - a. The Council shall hold a court of appeals, which may continue open from one o'clock p.m. to eight o'clock p.m. and on such successive days as may be necessary during which time the Council shall hear and determine appeals from the said assessment and shall make such corrections or additions as may be deemed necessary and proper. If the said appeal day shall fall on a holiday, the appeals shall be heard on the next day. The decision of a majority of the Council sitting on appeals shall be final and conclusive in respect to all appeals.
 - b. No members of the Council shall sit on his own appeal, but the same shall be heard and determined by the other members of the Council. After the said valuation and assessment shall be

examined and adjusted by the Council all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.

Section 34.

~~COLLECTION OF TAXES AND SPECIAL ASSESSMENTS. As soon as practicable after the beginning of the new fiscal year, the Council shall deliver to the Treasurer a list containing the names of the taxables and opposite the name of each the amount of his real and personal property assessment, the rate of taxation per hundred dollars of assessed valuation and the total amount of the tax. The list shall be certified by the Secretary of the Council. All taxes shall be paid to the Treasurer, subject to such discounts and penalties and rules as the Council may direct.~~

~~It shall be the duty of the Treasurer to proceed forthwith to collect all taxes in the calendar year in which assessed and in the collection of said taxes he shall have all the powers conferred upon or vested in the Receiver of Taxes and the County Treasurer for Sussex County.~~

~~The provisions of Title 25, Sections 2901 through 2905 of the Delaware Code Annotated, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter~~

Section 33: COLLECTION OF TAXES AND SPECIAL ASSESSMENTS:

As soon as practicable after the beginning of the new fiscal year, the Council shall deliver to the Treasurer a list containing

1. The names of the taxables, the amount of his or her real and personal property assessment, the rate of taxation per hundred dollars of assessed valuation and the total amount of the tax, and
2. a list of any unpaid assessments or bills outstanding to the Town of Bethel, and
3. interest or penalties accrued on the items above.

The list shall be certified by the Secretary of the Council. All taxes, assessments, bills, and interest shall be paid to the Town of Bethel, subject to such additional penalties and rules as the Council may direct.

It shall be the duty of the Treasurer to proceed forthwith to collect all monies assessed in the current fiscal year or outstanding from previous years. The provisions of Title 25, Sections 2901 through 2905 of the Delaware Code Annotated, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter.

Section 35.

~~POWER OF THE COUNCIL OVER STREETS. The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of said Town of Bethel, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the Town of Bethel shall in all cases and in all courts of law within the State, be deemed, taken and allowed as land marks. The said Town of Bethel by itself or by its servants or agents shall have the right to enter upon any land within the limits of the Town and thereon set and fix such posts and mark stones as in the judgment of the Council is necessary; and if any person shall willfully tamper with or remove any of said post or mark stones such persons shall, for each such offense, forfeit and pay a fine of one hundred dollars; and the Town of Bethel may reward the informer of such offense by allowing him a portion of said penalty not exceeding a one half thereof.~~

~~The Council shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interests of the Town; provided, however, that this power shall not be exercised with respect to property owned by the State of Delaware or any agency thereof without the approval of the State or State Agency. The procedure shall be as follows:~~

~~The Council shall, by a majority vote, adopt a resolution for the opening of a new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, the resolution giving a general description of the street to be opened, widened, altered, vacated or abandoned. The resolution shall also state the day, hour and place where and when the Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution~~

~~shall be posted in five (5) or more public places in the Town at least five (5) days before the day fixed for the hearing aforesaid and shall be published in a newspaper of general circulation in Sussex County nearest the Town of Bethel at least five (5) days before said day. A copy of such resolution shall be sent to all persons who would be deprived of property in consequence thereof, and to all person or persons having or claiming any interest or lien therein, at least five (5) days before the day fixed for the hearing, by personal services or by registered mail addressed to their last known post office address. At the time and place fixed in said resolution, said Council shall hear such residents of the Town, or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interests of the Town, the opening of a new street or the widening, altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in their prior resolution. In case the determination of the Council shall be to proceed with the plan contemplated by said first resolution, they shall also award just and reasonable compensation to any who will be deprived of property in consequences thereof.~~

~~Such compensation as may be awarded shall be paid by the Treasurer of the Town on a warrant drawn on him by the authority of the Council. Any land owner, or person having or claiming any interest or lien therein, who may be dissatisfied with the compensation awarded by the Council may within five (5) days after notice of the award of the Council, appeal therefore by serving written notice to that effect on the President. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal apply to the Resident Judge of the Superior Court of the State, in Sussex County, for the appointment of freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be residents in the Town of Bethel, commanding them to determine and fix the damages which the Appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages which will insure to the appellant, and to make return of their findings to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or sent by registered mail to his last known address, and if not served personally by posting a copy on the premises affected at least fifteen (15) days before the day when the freeholders are to view the premises, and a copy of such notice should also be served on the President at least fifteen (15) days before the day of such meeting. The freeholders named in such commission, being first sworn or affirmed on the day and at the hour and place stated in the notice shall view the premises and hear the witnesses, and shall without delay, determine and fix the damages, if any, which said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said freeholders shall make return in writing of their proceedings to the said Resident Judge, who shall cause a copy of said return to be delivered to the President, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. On application within twenty (20) days after the award the said Judge may set aside a grossly improper award and appoint a new Commission. The amount of damages being ascertained, the Town may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any Bank in the Town to the credit of the person entitled thereto, within the said period of one (1) month, and thereupon the Town may carry in effect the plan contemplated in the resolution aforesaid. The return of freeholders shall be filed in the Office of the Prothonotary of Sussex County.~~

~~In the ascertainment and assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the Town of Bethel, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholders shall be Five Dollars (\$5.00) per day to each, which shall be taxed as a part of the costs.~~

Section 34: POWER OF THE COUNCIL OVER STREETS:

1. The Town of Bethel assumes authority over the town streets. Providing for the public right-of-way,

these streets shall be maintained by the Town of Bethel and may not be altered except by decree of the Bethel Town Council.

2. The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of said Town of Bethel, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the Town of Bethel shall in all cases and in all courts of law within the State, be deemed, taken and allowed as land marks. The said Town of Bethel by itself or by its servants or agents shall have the right to enter upon any land within the limits of the Town and thereon set and fix such posts and mark stones as in the judgment of the Council is necessary; and if any person shall willfully tamper with or remove any of said post or mark stones such persons shall, for each such offense, forfeit and pay a fine as defined by ordinance.
3. The Council shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interests of the Town: provided, however, that this power shall not be exercised with respect to property owned by the State of Delaware or any agency thereof without the approval of the State or State Agency. The procedure shall be as follows:
 - a. The Council shall, by a majority vote, adopt a resolution for the opening of a new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, The resolution giving a general description of the street to be opened, widened, altered, vacated or abandoned. The resolution shall also state the day, hour and place where and when the Council will sit to hear objections and toward just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in two (2) or more public places in the Town at least fifteen (15) days before the day fixed for the hearing aforesaid and shall be published in a newspaper of general circulation in Sussex County nearest the Town of Bethel at least fifteen (15) days before said day. A copy of such resolution shall be sent to all persons who would be deprived of property in consequence thereof, and to all person or persons having or claiming any interest or lien therein, at least fifteen (15) days before the day fixed for the hearing, by personal services or by registered mail addressed to their last known post office address.
 - b. At the time and place fixed in said resolution, said Council shall hear such residents of the Town, or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interests of the Town, the opening of a new street or the widening, altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in their prior resolution. In case the determination of the Council shall be to proceed with the plan contemplated by said first resolution, they shall also award just and reasonable compensation to any who will be deprived of property in consequence thereof.
 - c. Compensation as may be awarded shall be paid by the Treasurer of the Town on a warrant drawn on him by the authority of the Council. Any land owner, or person having or claiming any interest or lien therein, who may be dissatisfied with the compensation awarded by the Council may, within five (5) days after notice of the award of the Council, appeal by serving written notice to that effect on the President. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal apply to the Resident Judge of the Superior Court of the State, in Sussex County, for the appointment of freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be residents in the Town of Bethel, commanding them to determine and fix the damages which the Appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages which will insure to the appellant, and to make return

of their findings to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or sent by registered mail to his last known address, and if not served personally by posting a copy on the premises affected at least fifteen (15) days before the day when the freeholders are to view the premises, and a copy of such notice should also be served on the President at least fifteen (15) days before the day of such meeting. The freeholders named in such commission, being first sworn or affirmed on the day and at the hour and place stated in the notice shall view the premises and hear the witnesses, and shall without delay, determine and fix the damages, if any, which said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said freeholders shall make return in writing of their proceedings to the said Resident Judge, who shall cause a copy of said return to be delivered to the President, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. On application within twenty (20) days after the award the said Judge may set aside a grossly improper award and appoint a new Commission. The amount of damages being ascertained, the Town may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any Bank in the Town to the credit of the person entitled thereof, within the said period of one (1) month, and thereupon the Town may carry into effect the plan contemplated in the resolution aforesaid. The return of freeholders shall be filed in the Office of the Prothonotary of Sussex County.

- d. In the ascertainment and assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the Town of Bethel, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholders shall be Five Dollars (\$5.00) per day to each, which shall be taxed as a part of the costs.

~~Section 36.~~

Section 35: SEWER AND WATER MAIN IMPROVEMENTS:

The Council shall have the entire jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said Town, and may pass ordinances for the construction of water mains and the opening of gutters, drains and sewers within the limits thereof. And the regulating and maintaining, cleansing and keeping the same and the natural water courses, runs and rivulets within the said limits open, clean, and unobstructed; and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as hereinbefore provided in case of streets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and kept open and unobstructed, and shall bear the expenses thereof and may in its discretion assess the costs of sanitary sewers upon the property particularly benefited thereby, except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, and prescribe the mode of collection thereof; provided, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Whenever the Council of the Town of Bethel shall determine, either on petition by a majority in numbers or in interest of the property holders abutting a proposed sanitary sewer construction, improvement, alteration, or repair or on its own initiative, that such construction, improvement, alteration, or repair of sanitary sewers is required, it shall proceed in accordance with law to undertake work and surveys necessary to make a report estimating cost and apportioning assessments. The Council shall then proceed as hereinbefore described for street improvements. The Council may perform such construction, improvement, alteration, or repair by contract or municipal agency. Provided, that assessment for the construction, improvement, alteration, repair and operation of sanitary sewers may be made upon the property abutting upon that portion of the street in which any sanitary sewer may be constructed

under the provisions of this Charter, and shall be based upon the lineal feet of such property abutting on such street, each such lineal foot being assessed alike. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the costs of building a sanitary sewer in one of such streets, only the front of such property shall be liable for such assessments. The Commissioners on individual appeals according to rules established by them, shall in all cases decide what portion of the corner property shall be considered frontage and what portion side frontage. Provided that in all corner properties the side frontage shall not exceed one hundred and twenty-five (125) feet and side frontage thus determined shall be exempt from the payment of any sanitary sewer assessment, unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case the owner shall pay such additional assessment as the Council may determine. No property shall be assessed for the cost of constructing the sanitary sewer and connecting the same with the disposal plant, unless such property shall abut and be bounded by that portion of the street in which a sanitary sewer has been built, or unless such property has the right of access to such street or desires to use such sanitary sewer and the sanitary sewer is constructed upon the street upon which the property abuts, in either of which cases such property shall be liable for the same assessment as though a sanitary sewer was constructed in the portion of the street on which such property abuts, and the property shall not be liable for any further assessment for sanitary sewer purposes. Where any such assessments shall be made upon any land for the cost of constructing a sanitary sewer and connecting it with the disposal plant, the Council shall have the right to compel the owner to connect any building or structure erected as may be prescribed by the Commissioners from time to time. The word street shall be deemed and held to comprehend and include highways, lanes and alleys.

~~Section 37.~~

~~SIDEWALKS AND GUTTERS. Whenever the Town of Bethel shall have determined that any paving, graveling or guttering of the sidewalks or any or either or all of them, shall be done it shall notify the owner or owners of land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of said owner or owners, to cause such paving, graveling or guttering to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the Council may proceed to have the same done, and when done the Treasurer of the Town of Bethel shall as soon as convenient thereafter present to the said owner or owners of such lands, a bill showing the expense of paving, graveling or guttering. If such owner or owners be not resident in the Town of Bethel, such bill may be presented to the occupier or tenant of said land or if there be no occupier or tenant resident in the Town of Bethel, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Council to issue an order in the name of "Town of Bethel" under the hand of the President, and the seal of the said corporation, levied in accordance with the authority granted under Section 3^A "Collection of Taxes and Special Assessments" of this Act. The claim for paving, graveling or guttering shall be a lien on the premises in front of which the said work was done, and shall have the same priority and be collectible in the same manner as municipal property taxes. If any new paving is ordered by the Council as aforesaid, in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in fee simple. All subsequent repairs named in this Act are to be kept up at the expense of such tenant in dower. Any notice required by this section to one co-owner, shall be notice to all; and in case no owner shall reside in the Town, notice may be served upon the occupier or tenant of said premises resident in the Town, and if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence. The provisions hereinbefore contained in this section, shall apply, to any order made by the Council in respect to any such paving, graveling, or guttering heretofore done, which the Council may deem insufficient or to need repairing. The Council in addition to the provisions of this section hereinbefore shall have power and authority to enforce by ordinance, all the requirements of this section by imposing such fines and penalties as shall be in the Judgment of the Council necessary and proper.~~

~~The paving and guttering outside of said curbing shall be done by the Council at the expense of the Town,~~

~~except in case of property exempt from taxation, in which case the owner or owners of said exempt property shall pay for the paving and guttering outside of said curbing, and in case said owners refuse so to pave and gutter, the Council may proceed to have the same done and collect the expense thereof in the same manner and by the same proceedings as are hereinbefore provided, in case of paving, graveling and guttering sidewalks, footways, etc., where the owners of property refuse to pave, gravel and gutter sidewalks and footways in front of their property-~~

Section 36: SIDEWALKS AND GUTTERS:

The Town Council shall have jurisdiction over all sidewalk and gutters and may impose ordinances for the establishment and maintenance of sidewalks and gutters for new and or exiting developments.

~~Section 38.~~

Section 37: PROCEEDINGS MAY BE ABANDONED:

The Council may by resolution, abandon in whole or in part at any time during the pendency thereof or within sixty days after the final order of any court upon appeal from an award or assessment. When proceedings are abandoned by resolution of the Council, as provided by this Section, the Council may not begin new proceedings involving the same work, service, improvement, or action within six months after abandonment. If prior to the resolution of abandonment, possession of condemned property has been taken, the owner shall have a right of action to recover damages for the use and occupation with interest, as determined by resolution of the Bethel Town Council, thereon from the date when possession was taken.

~~Section 39.~~

Section 38: LEVYING OF SPECIAL ASSESSMENTS:

The Town of Bethel is hereby authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

~~Section 40.~~

Section 39: ASSESSMENTS PAYABLE IN INSTALLMENTS:

The Council may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvements shall be within ten years in annual or more frequent installments, and assessments for current services shall be payable within one year.

~~Section 41.~~

Section 40: ASSESSMENTS NOT TO EXCEED VALUE OF BENEFIT:

The amount assessed against any property for any work or improvement shall not exceed the value of the benefit accruing to the property therefore.

~~Section 42.~~

~~NEW DEVELOPMENTS AND SUBDIVISIONS. Whenever it is contemplated that a new real estate development shall be undertaken, the Council shall require the developer to submit plans and supporting documents to the Council or Planning Commission for approval prior to the actual construction and/or installation of improvements and utilities.~~

~~Whenever the installation of new facilities is contemplated in a partially developed area, the Council shall make a careful determination of the ability of the area to support the cost of the projected improvement before approving it. Also, the developer shall provide evidence to the Council that he has complied with all State and County regulations.~~

Section 41: NEW DEVELOPMENTS AND SUBDIVISIONS:

1. Whenever a new real estate development or the installation of new facilities in a partially developed area is contemplated, the Council shall require the developer to submit plans and supporting documents to the Town Council and/or Planning and Zoning Commission for approval prior to the actual construction and/or installation of improvements and utilities. Town officials will establish a reasonable estimate of the ability of the area to support the cost of the projected improvement before approving it.

2. The developer shall provide evidence to the Council that he or she has complied with all State, County, and Town regulations.

~~Section 43.~~

Section 42: SEVERABILITY OF CHARTER PROVISIONS:

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end the provisions of this Charter are declared to be severable.

~~Section 44.~~

Section 43: FORMER GOVERNMENT IN FORCE:

All ordinances, resolutions, orders, rules, or regulations in force in the Town of Bethel at the time this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Council otherwise provided by ordinance, notwithstanding any change in organization effected by this Charter.

~~Section 45.~~

Section 44: CONTINUANCE IN OFFICE:

1. All persons holding any non-elective office or employment under the Town of Bethel at the time this Charter goes into effect shall continue in such office or employment and shall draw the same rate of compensation. ~~as during the month preceding the adoption of this Charter until removed or until the compensation is changed.~~
2. ~~The President of the Council of Bethel~~ All elected and appointed officials of the Town of Bethel shall continue ~~as the President of the Town and shall continue as Town Councilman~~ in their respective positions until replaced ~~their replacements until his successor is elected and qualify~~ as previously provided for in this Charter.

~~Section 45.~~

Section 45: APPOINTMENT AND REMOVAL OF A TOWN MANAGER:

The Council may by ordinance provide for and establish a Town Manager. It may state his or her qualifications and duties and shall fix his or her salary. The Town Manager shall be responsible to the Council and may be removed by the Council upon a vote of two-thirds of the members thereof. The duties of other officers may be eliminated and combined with the duties of the Town Manager if the ordinance so provides. ~~Neither the President nor any member of the Town Council~~ No member of the Bethel Town Council may be appointed Town Manager during ~~his~~ their term of office or within one year thereafter, except in the event of a national emergency.

Approved July 03, 2013