

CHAPTER 423  
FORMERLY  
HOUSE BILL NO. 449

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MIDDLETOWN RELATING TO MUNICIPAL POWER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 3 of the Charter of the Town of Middletown by making insertions as shown by underline and deletions as shown by strikethrough as follows:

**Section 3.**

"The Mayor and Council" elected on the first Monday in March A. D. 1923, and their successors in office, shall be, and they are hereby created a body politic and corporate in law, and shall have power to make and use a corporate seal, and to change, alter and renew the same; and they, and their successors shall be able and capable to sue and be sued, plead and be impleaded in all Courts in this State by the corporate name of "The Mayor and Council of Middletown;" and may have, take, purchase, possess, enjoy and retain, by lawful means, to it and its successors, within said Town, or beyond the limits thereof, lands, tenements and hereditaments, goods, chattels and effects of whatsoever kind, nature and quality, necessary for municipal purposes; and the same to lien, sell, grant, demise, alien or dispose of at pleasure: To receive devises, bequests, gifts and donations of all kinds of property within said Town and beyond the limits thereof, for its use and benefit, or in trust for charitable, benevolent, educational, or other public purposes, and to do all things necessary to carry out the purposes of such devises, bequests, gifts and donations: To acquire or erect public buildings for municipal purposes, and to regulate and control the management of the same:

To lay out, establish and maintain or vacate public parks and squares; to lay out, open, grade, extend, widen, improve or vacate streets and alleys, crossings and other highways; to construct, maintain or vacate sewers, drains, gutters and other works for the disposition of sewage and drainage of said Town; the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and highways to extend from building line to building line:

To supply said Town and its inhabitants with water, and wastewater treatment facilities, and to protect the water to be used from contamination; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying water, and to fix, alter, regulate and control the price and use of water and wastewater treatment so supplied:

To provide for lighting the streets and all public places in said Town, and for supplying the inhabitants thereof with electricity; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying such electricity, and to fix, alter, regulate and control the price and use of electricity so supplied:

To grant to persons or corporations, in such manner and upon such terms and conditions as it may prescribe, franchises and privileges to locate, construct, extend and operate any enterprise, in, upon, or through any public

park, square, street or other highway; provided that such grant shall be subject to repeal or revocation for the abuse, misuse or nonuse of the franchises and privileges thereunder granted: And provided further that no ordinance granting any such franchise or privilege shall be passed unless it shall receive the affirmative votes of two-thirds of all the members of Council:

To regulate and control the storage, within said Town, of explosives, oils, compounds, or any other dangerously combustible matter: To grant licenses or permits for any lawful purpose, and to define the purposes for which licenses or permits shall be required:

To make and enforce sanitary regulations; to define, abate and remove nuisances, injurious to the public health or dangerous to the inhabitants of said Town; and to prevent the introduction of infectious or contagious diseases, for which said purpose its jurisdiction shall extend to any point within one mile beyond the limits of said Town:

To regulate and control the erection of buildings within said Town, and to require licenses or permits to be taken out before the erection or repair of any building:

To prohibit the going at large of any animal, except under regulations prescribed by it; to lay and collect fines on the owner or harbinger of animal found going at large in violation of such regulations; and to provide for the registration of dogs in said Town:

To make and enforce within said Town such fire, police and other regulations as may be deemed expedient to protect persons and property, maintain the public peace, prevent crimes and promote the public morals:

To borrow money for municipal purposes on the credit of the corporation and to issue bonds therefore in the manner and under the restrictions hereinafter provided:

To provide for the payment of the legitimate expenses of the corporation, and for the annual payment, through the medium of a sinking fund, or otherwise, of a portion of its bonded indebtedness, now existing, or hereafter to be created:

To prescribe the extent of steps, porches, cellar doors and other outlets to buildings; to regulate the construction and repair of chimneys, and to regulate party walls:

To provide for the submission of questions relating to the corporation to the qualified voters of the Town, as hereinafter provided:

To prescribe the violations of ordinances by fine or imprisonment; as determined by Mayor and Council by ordinance.

To make general assessments of property in said Town, and assess and collect taxes and other rates and charges thereon, for municipal uses and purposes; provided, however, that The Mayor and Council of Middletown shall make no general assessments or collect any taxes or other rates and charges, as aforesaid, with respect to unimproved land lying within said Town or which may hereafter be annexed to and become a part of said Town so long as such land shall remain unimproved and shall not abut or be adjacent to an improved street within said Town; provided further that, upon the installation of an improved street in said Town, unimproved land abutting thereon or adjacent thereto shall thereafter be subject to assessment and taxation for municipal uses and purposes to the extent that such unimproved land fronts upon such improved street and to the depth of such lot or lots as shall appear on

such plot or plan of said land as may be furnished or submitted to the Mayor and Council by the owner of such unimproved land after the Mayor and Council shall have given written notice unto such owner to furnish or submit such a plot or plan within a period of time to be fixed in said notice; if, however, such owner shall fail to submit or furnish such a plot or plan within the time prescribed, then such land shall be subject to assessment and taxation to the extent that such unimproved land fronts upon such improved street and to such reasonable depth as shall be fixed by the Mayor and Council after the Mayor and Council shall have given consideration to the depth of lots in close proximity thereto; provided further that "unimproved land" as used in this paragraph shall include but shall not be limited to farm and agricultural lands, even though farm residences and buildings exist or are erected thereon. To make and collect special assessments of said property for the costs of any local or general improvement; and to enforce the payment of such taxes and other rates and charges and special assessments.

To impose and collect a lodging tax of no more than 3 percent of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel, or tourist home, as defined in § 6101 of Title 30 of the Delaware Code, which is located within the boundaries of the Town of Middletown.

To exercise all municipal powers necessary to the proper administration of the municipal government, and for the wellbeing of the inhabitants of said Town, whether said powers be expressly enumerated herein or not.

Approved September 4, 2018