

CHAPTER 239
FORMERLY
HOUSE BILL NO. 264

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WYOMING.

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 the Charter of the Town of Wyoming by making deletions as shown by strike through and insertions as shown by underline as follows:

14.4 Duties and Power of Mayor.

The Mayor shall preside at all meetings of Council; shall serve as the head of the Town government for all ceremonial purposes and for purposes of military law; shall appoint all committees, subject to Council confirmation, and shall have general superintendence of all municipal affairs. The Mayor shall receive ~~complaints of nuisances and all~~ complaints of violations of laws or ordinances and present the same to Council at its first meeting thereafter for action of Council; notwithstanding the foregoing, no action to enforce the laws or ordinances of the Town shall be invalidated as a result of the same not being presented to the Town Council. The Mayor shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by Resolution or Ordinance of Council. The Mayor shall have the same right as other officers and Council members to vote on all matters and may, at any time, appoint another officer or Council member to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor and may, thereafter, immediately resume his/her duties as presiding officer. For purposes of establishing a majority vote or quorum, the Mayor shall be counted as a member of Council. If the Mayor be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all powers and duties conferred and imposed upon him/her by this Act, or any other Law, or any resolution or ordinance now or thereafter adopted or enacted by Council, shall be exercised and performed by the Vice-Mayor chosen by Council as acting Mayor for the period of such incapacity. The Mayor shall serve a term of three years.

15. Assessment of Taxes.

(I) The limit of the amount to be raised by taxation under this section shall not exceed the sum of ~~\$600,000~~ \$1,500,000 in any one year clear of all delinquencies and expenses of collection.

18. Enumeration of Specific Powers of Council.

The Town Council shall have power to do the following:

18.1 Enact ordinances to preserve the health of the Town and to prevent the introduction and spread of infectious or contagious diseases.

18.2 ~~Define, prevent and abate nuisances, obstructions, or any other condition detrimental to the public safety, health or welfare; and to cause the cost of such abatement or removal to be paid by the legal entity causing or permitting the same to exist.~~ Define, prevent, abate, and remove all nuisances, obstructions, unsanitary conditions, or any other condition detrimental to the public safety, health or welfare, whether in the street, squares, lanes, alleys, sidewalks, or in any other public or private property within the limits of said Town; and to cause the cost of such abatement or removal (including, but not limited to its reasonable attorney's fees incurred in enforcement and/or litigation, and court costs) to be paid by the property owners, legal entity, or individual causing or permitting the same to exist. The Town may enact ordinances or adopt resolutions to enforce the provisions of this section, which may be enforced by imposing such fines and penalties as shall be necessary and proper in the judgment of Council. For purposes of this section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have a proper and active sewer, water, and electric connection whereby the property is receiving the service corresponding thereto, provided that such connections are available for such property, shall be deemed to be in an unsanitary condition under the meaning of this section, at the discretion of the Council.

22. Reserved. ~~Obstructions, Nuisances, and Unsanitary Conditions~~

~~The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated~~

~~whether in the street, squares, lanes, or alleys, or on the sidewalks, pursuant to procedures established by the town via ordinance. Council shall have the power and authority to enforce, by Ordinance, all the requirements of this section by imposing fines and penalties as shall be in the judgment of Council necessary and proper, which shall be in addition to the expenses incurred (including, but not limited to its reasonable attorney's fees incurred in enforcement and/or litigation, and court costs) and cost of removal or abatement. For all the purposes of this section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this section, at the discretion of the Council.~~

Section 2. This act shall become effective immediately upon the date of its enactment.

Approved May 19, 2016