

CHAPTER 267  
FORMERLY  
SENATE BILL NO. 187

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLVILLE

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

**Territorial Limits**

Section 2.

~~The present boundaries and limits of The Town of Millville are hereby established and declared to be, as follows:~~

~~TRACT 1~~

~~The Plot of Millville, Delaware, as laid out by the Commissioners in June, 1908, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Delaware, in Deed Book 165, page 600. EXCEPTING therefrom certain property being identified as Tax Map Number I 34 12.00 424.00, which is a portion of the property upon which Lord Baltimore Elementary School is located, and being located contiguous to the existing corporate limits of the Town of Ocean View with which the Town of Millville shares a border, and being all that piece or parcel of land, hereinafter described, situate, lying and being on the easterly side of Old School Lane and located in Baltimore Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows, to wit:~~

~~Beginning at an iron pipe found at a point formed by the intersection of the easterly right of way line of Old School Lane, 50 feet wide, with the northerly line of the lands of, now or formerly, Grace Sheaffer Collins and John H. Collins, as recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Deed Book 2870, Page 263, thence,~~

- ~~1) leaving said lands of Collins and running by and with said right of way line of Old School Lane, the following two courses, North 32 degrees 51 minutes 51 seconds East 290.29 feet to a point, thence running,~~
- ~~2) North 34 degrees 53 minutes 59 seconds East 23.59 feet to a point on the southerly lines of the limits and bounds of Sussex County, thence,~~
- ~~3) Leaving said Old School Lane and running by and with said limits and bounds of Sussex County, South 65 degrees 52 minutes 14 seconds East 275.86 feet to a point on the northwesterly line of the limits and bounds of the Town of Ocean View, thence,~~
- ~~4) Leaving said limits and bounds of Sussex County and running by and with said limits and bounds of the Town of Ocean View, South 41 degrees 31 minutes 15 seconds West 386.02 feet to a point on the aforesaid northerly line of the lands of Collins, thence,~~
- ~~5) Leaving said limits and bounds of the Town of Ocean View and running by and with said lands of Collins, North 50 degrees 17 minutes 22 seconds West 216.95 feet to the point and place of beginning; containing 1.9455 acres of land, more or less.~~

~~TRACT 2~~

~~ALL that piece and parcel of land annexed to the Town of Millville by an amendment enacted in Volume 25, Chapter 204, Laws of Delaware, dated April 15, 1909, amending the Charter enacted in Volume 24, Chapter 217, Laws of Delaware.~~

~~BEGINNING at the point of intersection of the easterly line of the land of George J. Derickson and the northerly line of the land of George Hocker; thence easterly along said northerly line of the land of George Hocker and the northerly line of the land of Horace Harman to the westerly line of the land of George James "also the westerly line of the Town of Ocean View"; thence therewith in a southerly direction along said line of George James to the center of the county road leading from Millville to Ocean View; and thence wherewith along the center line of said road in an easterly direction to the center of the road leading to Roxana; thence along the center line of said road in a southerly direction to a line between the lands of Isaac Bennett and Lemuel Holt; and thence therewith westerly~~

along said line to the intersection of said line with the easterly line of the land of Stephen E. Evans; thence therewith northerly along said easterly line of lands of Stephen E. Evans and George Derickson to the place of beginning.

~~TRACT 3~~

~~ALL that piece and parcel of land annexed to the Town of Millville by an amendment enacted in Volume 69, Chapter 194, Laws of Delaware, as Tract 1, dated March 24, 1994, amending the Charter enacted in Volume 24, Chapter 217, Laws of Delaware.~~

~~BEGINNING at a point located on the southeasterly R.O.W. of County Road 349 on the Town of Millville line as scaled from current Sussex County Tax Map #1-34-12;~~

~~THENCE along a curve to the right, by and with the southeasterly R.O.W. of County Road 349, having a radius of 1065.25 feet, a central angle of 003 degrees 38 minutes 05 seconds, an arc length of 67.58 feet, and a chord which bears North 46 degrees 27 minutes 34 seconds East to an iron pipe;~~

~~THENCE with a curve to the right having a radius of 25.00 feet, a central angle of 093 degrees 01 minutes 06 seconds, an arc length of 40.59 feet, and a chord which bears South 85 degrees 12 minutes 51 seconds East to an iron pipe;~~

~~THENCE along a curve to the left, by and with the southwesterly R.O.W. of East Millstone Lane, having a radius of 139.11 feet, a central angle of 037 degrees 27 minutes 48 seconds, an arc length of 90.96 feet, and a chord which bears South 57 degrees 26 minutes 14 seconds East to an iron pipe; 3/4 minutes 14 seconds East to an iron pipe;~~

~~THENCE South 76 degrees 10 minutes 06 seconds East a distance of 186.55 feet to an iron pipe;~~

~~THENCE along a curve to the right having a radius of 246.85 feet, a central angle of 025 degrees 00 minutes 36 seconds, an arc length of 107.75 feet, and a chord which bears South 63 degrees 39 minutes 49 seconds East to an iron pipe;~~

~~THENCE along a curve to the right having a radius of 25.00 feet, a central angle of 090 degrees 00 minutes 00 seconds, an arc length of 39.27 feet, and a chord which bears South 06 degrees 09 minutes 30 seconds East to an iron pipe;~~

~~THENCE South 38 degrees 50 minutes 30 seconds West, by and with the northwesterly R.O.W. of Doe's Place, a distance of 72.00 feet to an iron pipe;~~

~~THENCE along a curve to the right having a radius of 475.00 feet, a central angle of 018 degrees 59 minutes 24 seconds, an arc length of 157.43 feet, and a chord which bears South 48 degrees 20 minutes 12 seconds West to an iron pipe;~~

~~THENCE South 57 degrees 49 minutes 54 seconds West a distance of 110.00 feet to an iron pipe;~~

~~THENCE along a curve to the left having a radius of 315.00 feet, a central angle of 000 degrees 19 minutes 23 seconds, an arc length of 1.78 feet, and a chord which bears South 57 degrees 40 minutes 12 seconds West to a point;~~

~~THENCE North 27 degrees 40 minutes 14 seconds West, by and with the Town of Millville line as scaled from current Sussex County Tax Map #1-34-12, a distance of 396.91 feet to the Point of Beginning, said parcel contains 2.09 Acres of land, being the same, more or less.~~

~~TRACT 4 — Beebe Medical Center~~

~~ALL that piece and parcel of land annexed to the Town of Millville by an amendment enacted in Volume 69, Chapter 194, Laws of Delaware, as Tract 2, dated March 24, 1994, amending the Charter enacted in Volume 24, Chapter 217, Laws of Delaware.~~

~~BEGINNING at a point located on the northerly R.O.W. of State Rt. 26, said point being a corner for this parcel and lands N/F Renal F. Bryner, Jr., et ux.;~~

~~THENCE, North 64 degrees 40 minutes 06 seconds West, by and with the northerly R.O.W. of State Rt. 26, a distance of 450.00 feet to a point;~~

~~THENCE, along a curve to the right, by and with the southeasterly R.O.W. of Doe's Place, having a radius of 25.00 feet, a central angle of 090 degrees 00 minutes 00 seconds, an arc length of 39.27 feet, and a chord which bears North 19 degrees 40 minutes 06 seconds West to a point;~~

~~THENCE, along a curve to right having a radius of 265.00 feet, a central angle of 032 degrees 30 minutes 00 seconds, an arc length of 150.32 feet, and a chord which bears North 41 degrees 34 minutes 54 seconds East to a point;~~

~~THENCE North 57 degrees 49 minutes 54 seconds East a distance of 110.00 feet to a point of curve;~~

~~THENCE along a curve to the left having a radius of 525.00 feet, a central angle of 018 degrees 59 minutes 24 seconds, an arc length of 174.00 feet, and a chord which bears North 48 degrees 20 minutes 12 seconds East to a point;~~

~~THENCE South 37 degrees 00 minutes 00 seconds East, by and with Lots 52, 51, 50 and 49, Creekside Subdivision, a distance of 256.11 feet to a point;~~

~~THENCE South 64 degrees 40 minutes 06 seconds East, by and with Lots 49 and 48, a distance of 100.00 feet to an iron pipe;~~

~~THENCE South 29 degrees 09 minutes 35 seconds West, by and with lands N/F Ronald F. Bryner, Jr., et ux., a distance of 301.34 feet to the Point of Beginning, said parcel contains 3.41 Acres of land, being the same, more or less.~~

The limits and boundaries of the Town of Millville in Sussex County, Delaware, shall be as previously fixed and established or hereafter altered according to law and shall be marked and defined according to maps and plots now of record or hereafter recorded in the Office of the Recorder of Deeds in and for Sussex County pursuant to lawful annexation proceedings. Such maps and plots, when so made and approved by Town Council, and when recorded in the Office of the Recorder of Deeds of the State of Delaware in and for Sussex County, shall be deemed to be the true and correct maps and plots of the Town and of all the streets, boundaries, lanes, and alleys thereof, 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 the State of Delaware.

Section 2. Amend Section 5 of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

#### **Qualifications For Town Council Member**

Section 5.

The qualifications for Town Council member at the time of his or her election shall be as follows:

- (a) A bona fide resident of the United States and of the State of Delaware and a resident of The Town of Millville for at least ninety (90) days next preceding the Annual Municipal Election; and
- (b) At least ~~eighteen (18)~~ twenty-one (21) years of age;
- (c) Each of the qualifications for Town Council member shall be continuing qualifications to hold office and the failure of any of the Town Council members to have any of the qualifications required by this Section during his or her term of office shall create a vacancy in that Office.

Section 3. Amend Section 7(a) of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

#### **Manner of Holding Annual Municipal Election**

Section 7.

The procedure for holding the Annual Municipal Election shall be as follows:

- (a) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of The Town of Millville on the First Saturday in March of each and every year from eleven o'clock in the morning, prevailing time, until ~~three o'clock~~ 4:30 p.m. ~~in the afternoon~~, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the First Saturday in March, A.D. 2001.

Section 4. Amend Section 8 of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

#### **Organization And Annual Meeting of Council**

Section 8.

- (a) Before entering upon the duties of their respective offices, the Council members elect shall be sworn by a Notary Public to ~~perform faithfully and impartially the duties of their respective offices with fidelity.~~ At the first regular

meeting following the Organizational Municipal Election, “the Annual Meeting”, the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.

(b) At the Organizational Meeting held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect a Mayor and a Deputy Mayor who shall hold office for the term of ~~one~~ (1) year or until their respective successors shall be duly qualified and elected. The person elected as Presiding Officer of the Town Council shall have the title of Mayor of The Town of Millville. The Town Council shall likewise select a Secretary and a Treasurer from ~~their~~ their own number to serve until the first regular meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary and an Assistant Treasurer to serve until the first regular meeting following the next Annual Municipal Election who may or may not be from among their own number and such other officers and employees as may be determined to be necessary.

Section 5. Amend Section 9 of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Regular And Special Meetings**

Section 9.

~~The Town Council of The Town of Millville shall hold one (1) meeting in each month on a date to be determined by the Town Council.~~

(a) Regular Meetings. The Town Council shall meet regularly during the year. The time and place of each regular meeting shall be set by Council each year at their organizational meeting, but Council shall not hereby be prohibited from rescheduling such meetings from time to time during the year as need arises.

(b) Special Meeting; Waiver of Notice. Special meetings shall be called by the Town Manager upon the written request of the Mayor, or upon the written request of any 4 members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. Such notice must be deposited in the U.S. mail in the main post office in the Town at least 96 hours prior to the time set for such special meeting, provided, however, that a waiver of such notice, (written, telegraphic, or recorded telephonic message) by all members of Council prior to or immediately upon the convening of such special meeting shall make the 96-hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time and for any purpose named in such waiver, or the transaction of any other business at the meeting, if the waiver so states. Subject to the scope of the notice, the Town Council of the Town shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at a regular meeting.

Section 6. Amend Section 11 of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Rules And Minutes Of Council**

Section 11.

(a) The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

(b) In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the Town Council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Grant, renew or extend a franchise;

(4) Amend or repeal any ordinances previously adopted.

(c) Acts other than those referred to in the preceding may be done either by ordinance or by resolution. Every ordinance shall be introduced in writing. Vote on any ordinance may be by voice vote or written vote and the vote of

each Council member on any ordinance shall be entered on the record. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the members voting thereon.

Section 7. Amend Section 13 of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

**Disqualifications and Forfeiture**

Section 13.

(a) If any Council member, during his or her term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever or shall for any reason cease to be a resident of the Town, he or she shall forthwith be disqualified to act as a member of Council and his or her office shall be deemed vacant and shall be filled by the Town Council, as aforesaid.

(b) Forfeiture Proceedings. A forfeiture of his or her office shall occur when that Council member:

(1) lacks, at any time during his or her term of office, any qualification for the office prescribed by this Charter or by law;

(2) willfully violates any express prohibition of this Charter;

(3) is convicted of a felony; or

(4) fails to attend 3 regular Council meetings without being excused by Council.

(c) Determination Concerning Forfeiture. Where the conditions set forth in Section 13(b)(3) or (4) occur, forfeiture shall be automatic. Where the conditions set forth in Section 13(b)(1) or (2) are alleged to have occurred, a determination concerning such alleged forfeiture shall be made by the Council, but the affected party shall not have a vote in any such decision. Such deliberations may be had in executive session and if the Council determines by a unanimous vote of the Council members entitled to vote on the question, that a forfeiture has occurred, it shall, within 48 hours of that determination, provide written notice thereof to the affected Council member, stating specific reasons. The affected party shall then have 10 days in which to make a written demand for a public hearing before the Council, to be held within 20 days of the written demand, at which hearing he or she may appear with the assistance of counsel and present evidence to the relevant issues. Thereafter, the Council shall hear any other relevant evidence and vote again on the question of forfeiture; and if a determination of forfeiture is again made by a unanimous vote of the Council members entitled to vote on the question, the decision shall be final.

(d) Failure to Request Hearing as a Bar. Failure of the affected person to make written demand for a public hearing as hereinabove stated shall be an absolute bar to his right to challenge that decision. During, or in connection with, any such proceedings, the Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done if requested in writing by the affected person.

Section 8. Amend Section 31(a) of the Charter of the Town of Millville by making deletions as shown by strike through and insertions as shown by underline as follows:

**Enumeration Of Powers**

Section 31.

(a) Not by way of limitation upon the power vested in the Town Council of The Town of Millville to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants and affairs, that is to say:

(28) To provide for the organization ~~of a fire department~~ and the control and government ~~thereof~~ of any of the following: a fire department, an ambulance service, or emergency treatment service; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Town Council, to contribute, donate or give an amount or amounts not to exceed in the total during any fiscal year ~~three percentum~~ (3%) six percent (6%) of the total taxes levied on real estate unto any of the following individually or in combination: volunteer fire company or companies incorporated under the laws of the State of Delaware, ~~or~~ ; any volunteer fire association or associations maintaining and operating firefighting equipment and service to the Town;

any volunteer ambulance or emergency treatment service company or companies incorporated under the laws of the State of Delaware; or any volunteer ambulance association or associations maintaining and operating ambulance, emergency treatment equipment and service to the Town; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Town Council shall deem advisable;

~~(42) To provide for the organization of an ambulance service and/or emergency treatment service and the control and government thereof; and at the discretion of the Town Council, to contribute, donate or give an amount or amounts not to exceed in the total during any fiscal year three percentum (3%) of the total taxes levies on real estate unto any volunteer ambulance or emergency treatment service company or companies incorporated under the laws of the State of Delaware, or any volunteer ambulance association or associations maintaining and operating ambulance, emergency treatment equipment and service to the Town; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the sum thereof as the Town Council shall deem advisable;~~

Section 9. This Act shall take effect upon its enactment into law.

Approved June 22, 2016