

CHAPTER 106  
FORMERLY  
SENATE BILL NO. 71

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER REGARDING ANNEXATIONS

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 Sec. 1.05. - Procedure to extend boundaries, to read as follows:

Section 1.05. Procedure to extend boundaries.

The City may, from time to time, extend its boundaries in accordance with Title 22, Chapter 1, Section 101 (22 Del. C. § 101) through the following annexation processes:

(1) In the case where annexation is petitioned by all owners of all property considered for annexation, no election shall be required.

For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

(2) In the case where annexation is not petitioned by all owners of all property considered for annexation, such annexation shall be subject to an election, as follows:

(a) In order to extend the boundaries of The City of Dover the council shall adopt a resolution proposing the inclusion of ~~territory or territories~~ all property considered for annexation within the limits of The City of Dover and calling for a special election to be held not less than thirty (30) nor more than sixty (60) days after the adoption of the resolution, in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code. ~~insofar as applicable. Said~~ The resolution shall contain a description of the territory or territories proposed to be annexed all property considered for annexation, and shall specify the date of such the election, which shall be not less than thirty (30) nor more than sixty (60) days after the adoption of said resolution, and the place or places of said election. Said The resolution shall be published in at least two (2) issues of a newspaper of general circulation within the City of Dover at least two (2) weeks prior to the day of said election.

~~Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.~~

(b) Any such The annexation election shall be held by the city's election officers, of the election district or districts of Kent County which shall include the territory proposed to be annexed. Every person eighteen (18) years of age or upwards who is duly registered upon the books of registered voters for said election district, or districts, who is a resident of the territory proposed to be included within the limits of the City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed; and every person who is the owner of real estate within a territory proposed to be included assessed to them on the assessment records of Kent County, Each owner of the property considered for annexation shall be entitled to one (1) vote. Owners of real estate in common shall be entitled to one (1) vote each. Life tenants shall be entitled to one (1) vote each, but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one (1) vote, the same as private persons.

More than one (1) annexation election may be held on the same day; however, the elections shall be separate.

The Council of the City of Dover shall provide the ballots ~~for any such election~~ and shall bear the cost of holding such annexation elections. The ballots shall briefly indicate the ~~territory~~ property proposed to be included for annexation and shall provide two (2) boxes on the ballot beside which shall appear the words "FOR

inclusion within The City of Dover," and "AGAINST inclusion within The City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.

~~At any such election~~ For the annexation election, the polls shall ~~be open from~~ at 11:00 a.m. to and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs first. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council, the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an annexation election ~~held in a territory proposed to be annexed~~ shall be in ~~are in~~ favor of the inclusion of that ~~territory~~ property, the council may thereupon adopt a resolution annexing said ~~territory~~ property and including same within the limits of The City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the clerk of council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of The City of Dover.

If a majority of the votes cast in an annexation election ~~held in a territory proposed to be annexed~~ shall be against the inclusion of that ~~territory~~ property within the limits of The City of Dover, the proposed annexation of said ~~territory~~ property shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal ~~of~~ for annexation to the eligible voters ~~of~~ for said ~~territory~~ property, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

Section 2. This Act shall be effective upon its enactment in accordance with law.

Approved July 15, 2013