

CHAPTER 228  
FORMERLY  
SENATE BILL NO. 158

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

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 4, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Structure of government.

Section 4.

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Town Council. The Town Council shall be composed of five (5) members, each of whose terms shall be for a period of two (2) years, commencing at the Annual Meeting of the Town Council following his/her election and continuing until his/her successor is duly elected and qualified. Each member of the Town Council shall be nominated and elected from the Town at large. One of the members of the Town Council shall be elected ~~President~~ Mayor of the Town Council and upon his/her election shall have the title of Mayor of The Town of Greenwood and shall perform all duties prescribed herein to be performed by the Mayor of The Town of Greenwood. Each Town Councilman shall receive as compensation such amount as shall be determined by the Town Council by ordinance or resolution for attendance at any regular meeting, special meeting or workshop meeting. The time of payment shall be determined by the Town Council, but in no event shall such compensation be paid less frequently than quarterly and at no time shall the compensation to be received by the member of the Town Council who is designated as Mayor during any fiscal year be more than ~~Seven Hundred Fifty Dollars (\$750.00)~~ One Thousand Six Hundred Dollars (\$1,600.00) and no other member of the Town Council shall receive during any fiscal year more than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00).

Section 2. Amend Section 5, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Qualifications For Members Of Town Council

Section 5.

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

(a) Each member shall be at least twenty-one (21) years of age.

(b) Each member shall be a citizen of the United States and of the State of Delaware and a bona fide resident of The Town of Greenwood for at least thirty (30) days prior to the deadline to file to run for Council. For purposes hereof, a person is a "bona fide resident" when that person physically resides within the corporate limits of the Town with the actual intent to make that residence that person's fixed and permanent home.

~~(c) Each member shall not have been convicted of a felony.~~

~~(d)~~ (e) Each of the qualifications for members of the Town Council shall be continuing qualifications to hold office and the failure of any member of the Town Council to have any of the qualifications required by this Section during his/her term of office shall create a vacancy in the office. The Town Council, by majority vote of its disinterested members, shall be the sole and final judge of the qualifications of its members, and shall interpret and apply the standards set forth in this Charter.

Section 3. Amend Section 6, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Method Of Making Nominations For Town Councilman

Section 6.

~~Each candidate for the Office of Town Councilman shall be nominated as follows:~~

~~(a) Each candidate for Town Councilman shall notify the Secretary of the Town Council in writing of his candidacy.~~

~~(b) All notifications of candidacy shall be filed with the Secretary of the Town Council not later than five o'clock in the afternoon, prevailing time, on the fourth Friday in December. Such notification of candidacy shall be upon a suitable form or blank furnished by The Town of Greenwood, which said statement shall be dated, signed by the candidate and witnessed by at least two (2) adult residents of the Town.~~

~~(c) The Town Council shall make arrangements for voting machines to be placed in the polling place prior to the time set forth in this Charter for the beginning of the Annual Municipal Election.~~

~~(d) The Town Council shall hold a meeting within five (5) days after the close of the time for the filing of notification of candidacy for the purpose of determining the qualifications of the candidates.~~

(a) Notice of solicitation of candidates shall be posted conspicuously within the municipality at least twenty (20) days prior to the filing deadline for the offices up for election and shall include the terms of the offices up for election, the qualifications to run for each office, and the filing procedures and deadline to run for office. All notices shall be posted on any website operated by the Town and shall be sent to the Sussex County Department of Elections within three (3) business days of posting the same. In order to be listed on the ballot at any regular Town election, each candidate shall file a written and signed notice of intention to seek office with the Town Manager, on a form prescribed by the Town, before five o'clock in the afternoon on the second Friday in December. Such form shall contain an affidavit that the candidate meets all the qualifications for office. No later than one (1) business day following the filing deadline, the Town Manager shall submit the names of candidates for each office up for election to the Delaware Department of Elections. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the notice of solicitation of candidates.

(b) If the Town Manager determines that any candidate may not meet the qualifications for office, he/she shall notify the Mayor who shall call a special meeting of the Town Council to be held no fewer than twenty-one days prior to the date set for the election, at which the Town Council shall decide the matter. The candidate whose qualifications are at issue shall be notified, by registered mail, of the date, time and place of the hearing, at which he/she may appear and testify. If the Town Council determines that the candidate does not meet the qualifications for office, it shall reject his/her notice of intention to seek office and his/her name shall not appear on the ballot. In making the determination, only those members of the Town Council who are not competing for that seat shall be entitled to vote on the question.

(c) Filing Certificate of Intention and Statement of Organization. All candidates shall file a certificate of intention or statement of organization if either is applicable and required under 15 Del. C. Ch. 75 ("Municipal Elections") as those provisions may from time to time hereafter be amended or with any other existing or future corresponding provisions of law.

Section 4. Amend Section 7, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Manner Of Holding Annual Municipal Election

Section 7.

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

~~(a)-(1) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of The Town of Greenwood on the third Saturday in January of each and every year, with the polls remaining open for no fewer than 6 hours, with the specific time being determined by the Town Council, from one o'clock in the afternoon, prevailing time, until seven o'clock in the evening, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the third Saturday in January, A.D. 1992.~~

~~(b)-(2) At the Annual Municipal Election to be held on the third Saturday in January, A.D. 1992, three (3) members of the Town Council shall be elected. Each of the Councilmen who are elected shall serve for a term of two (2) years, or until his/her successor has been duly elected and qualified.~~

~~(c)-(3) At the Annual Municipal Election to be held on the third Saturday in January, A.D. 1993, two (2) members of the Town Council shall be elected. Each of the Councilmen so elected shall serve for a period of two (2) years or until his/her successor has been duly elected and qualified.~~

~~(d)-(4) Thereafter, at each Annual Municipal Election held in even numbered years, there shall be elected three (3) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified and in each Annual Municipal Election held in odd numbered years, there shall be elected two (2) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified.~~

~~(e)-(5) The members of the Town Council of Greenwood who hold office at the time of passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.~~

~~(f) The Annual Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two (2) Judges appointed by the Mayor of The Town of Greenwood with the concurrence of a majority of the members of the~~

~~Town Council not later than the last regular meeting of the Town Council prior to the date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote at the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance and shall be for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Annual Municipal Election shall not be present at the polling place at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Annual Municipal Election to elect from among their own number a person to fill each vacancy in such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.~~

~~(g) At such Annual Municipal Election, every person, male or female, who shall have attained the age of eighteen (18) years on the date of the Annual Municipal Election and who shall be a bona fide resident of The Town of Greenwood shall have one (1) vote, provided he or she is registered on the "Books of Registered Voters" of The Town of Greenwood. The Town Council of The Town of Greenwood shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the office of the Secretary of the Town Council. The Books of Registered Voters shall contain the following information for each registrant: the names of the registered voters arranged in alphabetical order, the address of the voter, the birth date of the voter, the date the registrant became a citizen of the United States, the date the registrant became a resident of The Town of Greenwood, and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless he or she will have acquired the qualifications to vote in the Annual Municipal Election for the year in which he or she registers. A person shall be required to register only one (1) time, provided, however, that, if a registered voter fails to vote in two (2) consecutive Annual Municipal Elections in which there is a contest, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by certified mail with return receipt requested advising the registered voter that his name has been removed from the Books of Registered Voters, and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Books of Registered Voters shall be maintained in the Office of the Town Council and shall be conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the Secretary of the Town Council during the regular business hours of such Office until the close of business of such Office on the third Friday in December prior to the date of the Annual Municipal Election by completing such forms as may be provided by the Town. If the third Friday in December is a legal holiday, the last day for registering shall be the last business day immediately preceding the third Friday in December.~~

~~(h) The Town Council of the Town of Greenwood may, by Ordinance, provide for any qualified voter to cast an absentee ballot if such person is unable to appear and cast his or her ballot or vote at the Annual Municipal Election in person. (69 Del. Laws, c. 209, 4/11/94)~~

(b) Notice of Election. Notice of Town elections shall be posted in a conspicuous public place no later than twenty (20) days prior to the election date. The notice of elections shall include the date, time, and place of the election, the names of the candidates for each office, and the qualifications to vote. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the notice of elections. All notices shall be posted on any website operated by the Town and shall be sent to the Sussex County Department of Elections within three (3) business days of posting the same.

(c) Voting Machines. Elections shall be by voting machine provided by the Sussex County Department of Elections in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law.

(d) Absentee Ballots. The Town Council may (but shall not be required to), by ordinance, provide for a qualified voter (duly registered if required by ordinance) who shall be unable to appear in person, to cast his/her ballot at any municipal election by absentee ballot. Whenever absentee voting is permitted, all notices shall contain information about how to obtain an absentee ballot. All absentee voting authorized by the Town shall be conducted in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law.

(e) Conduct of Elections. The Town Council shall follow the rules governing the conduct of elections and voting procedures found in 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any

other existing or future corresponding provisions of law. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the conduct of elections.

(f) Board of Elections. Every election shall be held under the supervision of a Board of Elections. The Board of Elections shall consist of three (3) persons (as determined by the Town Council) who shall be qualified voters of the Town and shall not be an elected official or candidate for Town office or an immediate family member of such (mother, father, son, daughter, brother, sister, including half-brothers and sisters, step-family members and in-laws) and who shall be appointed for that purpose by the Town Council at least twenty (20) days before such election. The Board of Elections shall serve for a term of one year commencing the regular Council meeting in December, provided that the term of the Board of Elections shall in no instance expire until a successor Board of Elections has been appointed. Members of the Board of Elections may serve for more than one term. Each board member shall be confirmed and have his/her name and contact information publicly posted in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law. The Town shall notify the State Election Commissioner and Sussex County Department of Elections of the members appointed to the Board of Elections. The Board of Elections shall oversee the absentee ballots and either appoints an odd number of absentee ballot judges or, at the discretion of the Town Council, acts itself as the absentee ballot election judges. If, at the opening of the polls, there shall not be present all the members of the Board of Elections, the ranking Town officer available at the opening of the polls shall appoint a qualified voter or voters to act as a member or members of the Board of Elections to fill such vacancies caused by the absence of the previously appointed members of the Board of Elections through the conclusion of the election. Members of the Board of Elections shall be the sole and final judges of the conduct of the election and of the legality of the votes offered. The Board of Elections shall keep a list of all voters voting at said election. The Board of Elections shall have the power to subpoena persons, and officers of the Town, and books, records and papers relative to the determination of the qualifications of voters and the legality of any vote or votes offered. The Board of Elections may appoint election officers (including an inspector) when needed to administer elections. In the absence of the appointment of election officers, members of the Board of Elections shall act as election officers, and the Board of Elections shall designate one of the board members as the inspector.

(g) Voter qualifications; voter registration. Any person shall be qualified to vote who, on the date of the election, is a United States citizen, has attained eighteen (18) years of age, and has continuously been a bona fide resident of the Town (as defined in Section 5) for at least thirty (30) days. Persons appearing to vote shall present proof of identity and address pursuant to 15 Del. C. Ch. 75 ("Municipal Elections"). All questions regarding an individual's qualification to vote raised prior to the day of the election shall go before the Board of Elections and an individual shall be given notice and an opportunity to be heard before the Board of Elections makes a determination regarding that individual's qualifications to vote. Questions regarding an individual's qualifications to vote that are raised at the time of voting shall be resolved by the Board of Elections or its designated election officers. The Town Council may enact such ordinances concerning the registration of qualified voters for municipal elections in the Town as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.

(h) Election Results; ties; preservation of ballots and records. Within forty-eight (48) hours of the close of the election, the Board of Elections shall count the votes, and the candidate(s) having the highest number of votes for each office shall be declared, by the Board of Elections, to be duly elected to such office. In the event of a tie vote for any office, the Board of Elections shall break such tie by the toss of a coin. All ballots cast and all records of the election kept by the Board of Elections shall be preserved in the custody of the Board of Elections for a period of thirty (30) days, unless the election is contested or an appeal is filed in a court of appropriate jurisdiction, in which case such ballots and records shall be preserved until further direction of the reviewing body or court having jurisdiction.

(i) Uncontested Elections. In the event that no person files for office for which an election is to be held within the time set forth in Section 6 of this Charter, the incumbent shall be deemed to be re-elected for a full term and it shall not be necessary to have an election. In the event that only one (1) person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.

~~(j) In the event that only one (1) person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.~~

(j) Compliance with State Regulations. The Town shall act in accordance with the state laws governing municipal voting found in 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law, and the Town shall implement the election provisions found in this Charter in accordance with the same state laws governing municipal voting.

Section 5. Amend Section 8, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Organization And Annual Meeting Of Council

Section 8.

(a) Before entering upon the duties of their respective offices, each of the Councilmen Elect shall be sworn by a Notary Public, a Justice of the Peace, the Mayor, or by one of the holdover Council members to perform faithfully and impartially the duties of their respective offices with fidelity. ~~At 7:30 o'clock in the evening, prevailing time, on the Wednesday following the Annual Municipal Election, At the next regular Town Council meeting that is scheduled at least seven (7) days after the certification of the Annual Municipal Election, which meeting shall be the same as 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 annual meeting, held on the first regular Town Council meeting that is scheduled as least seven (7) days after the certification of ~~following~~ the Annual Municipal Election, the Town Council shall organize and elect a Mayor ~~and President~~ of the Town Council, who shall hold office for the term of one (1) year or until his/her successor shall be duly elected, and a Vice ~~President~~ Mayor, who shall hold office for the term of one (1) year or until his/her successor shall be duly elected. The Town Council shall likewise select a Secretary from their own number to serve until the organization meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary to serve, as aforesaid, 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 6. Amend Section 15, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Duties Of The Mayor ~~And President~~ Of The Town Council

Section 15.

(a) The Town Councilman elected by the members of the Town Council to be the Mayor ~~President~~ of the Town Council, shall also be the Mayor of The Town of Greenwood and shall preside at all meetings of the Town Council, but shall vote only on all matters brought before the Town Council in which there is a tie. He/she shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He/she shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. ~~He may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, to proceed upon such infractions or violations of law and ordinances immediately in the event that he deems such action to be required.~~ The Mayor shall perform such other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this Charter.

~~(b) The Mayor, within thirty (30) days following his election, may appoint, by and with the advice and consent of a majority of the elected members of the Town Council, two (2) suitable persons who shall be qualified voters of The Town of Greenwood to act as Alderman and Assistant Alderman. Both the Alderman and Assistant Alderman shall hold office until each successor shall be duly appointed and chosen.~~

~~(b)~~ (b) The Mayor may, for any reasonable cause, by and with the consent and upon the address of a majority of all the members of the Town Council, remove from office any person appointed by him/her or any of his/her predecessors. The person against whom the Council may be about to proceed shall receive five (5) days' written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.

~~(d)~~(c) The Mayor may appoint such other committees as he/she deems necessary for the proper administration of The Town of Greenwood or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

~~(e)~~(d) It shall be the duty of the Vice- ~~President~~ Mayor of the Town Council, in the absence of or inability of the Mayor to act, to preside at all meetings of the Town Council and to perform such other duties and to have such other powers of the Mayor as are prescribed by the Charter of The Town of Greenwood or by any ordinance of the Town Council.

Section 7. Amend Section 16, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Secretary

Section 16.

(b) All books, records and journals of The Town of Greenwood in the custody of the Secretary may, in the presence of the Mayor, Vice-~~President~~ Mayor, Secretary, Assistant Secretary, or any member of the Town Council of The Town of Greenwood be inspected by any registered voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the Town.

Section 8. Amend Section 18, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~Alderman And Assistant Alderman~~ [Reserved]

Section 18.

~~(a) The Mayor may appoint some suitable person to act as Alderman and may appoint some suitable person to act as Assistant Alderman. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be at least twenty one (21) years of age, shall be of good character and reputation and shall be a resident of The Town of Greenwood and shall not be a member of the Town Council of The Town of Greenwood. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be appointed for an indefinite term and any such appointment shall be confirmed by a majority of all the elected members of the Town Council of The Town of Greenwood. Either the Alderman or the Assistant Alderman may be removed from office at any time, with or without cause, by the affirmative vote of twothirds (2/3) of all the elected members of the Town Council of The Town of Greenwood.~~

~~(b) Before entering upon the duties of his office, the person appointed by the Mayor to serve as Alderman and the person appointed by the Mayor to serve as Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully and diligently and to uphold and enforce the Charter of The Town of Greenwood and ordinances duly enacted by the Town Council of The Town of Greenwood and to carry into effect all orders of the Town Council of The Town of Greenwood made pursuant to any law of this State. The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods the Assistant Alderman shall have all the powers and duties of the Alderman.~~

~~(c) 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 the Assistant Alderman shall each record all official acts and proceedings in the Alderman's Docket.~~

~~(d) The Alderman and the Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of The Town of Greenwood so far as to arrest and hold for bail or fine and imprison offenders for any offense, penalty or forfeiture prescribed by the Charter of The Town of Greenwood and any ordinance enacted thereunder; of all neglects, omissions or defaults of any officer, agent or employee of the Town; provided, however, that neither the Alderman nor the Assistant Alderman shall impose any fine in excess of Five Hundred Dollars (\$500.00) nor imprison any offender for more than sixty (60) days, or both, except as otherwise provided in the Charter of The Town of Greenwood. The Alderman and the 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 of The Town of Greenwood; provided, however, that no costs shall be imposed which are in excess of that which may be imposed by a Justice of the Peace for like service.~~

~~(e) The Alderman and Assistant Alderman shall prepare and submit a 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.~~

~~(f) The Alderman and the Assistant Alderman shall receive such salary as may be fixed from time to time by Resolution of the Town Council.~~

~~(g) If any Alderman or Assistant Alderman shall be removed from office as herein before provided, he shall deliver to the Secretary of the Town Council, within two (2) days after his removal from office, all the books and papers belonging to his office, and to pay over to the Secretary of the Town Council all moneys in his hands within five (5) days after receiving the notice of his removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the Secretary of the Town Council shall require the auditor of the Town, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from the office. Upon the neglect or failure to deliver all the books and papers to the Town Manager within the time specified by this Charter, or to pay over all of the moneys to the Secretary of the Town Council within the time specified, the Alderman or Assistant Alderman so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each day that he fails to deliver the books and papers to the Secretary of the Town Council or to pay over all moneys to the Secretary of the Town Council.~~

Section 9. Amend Section 21, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Board Of Health [Reserved]

Section 21.

~~(a) The Board of Health shall consist of four (4) members. The Board shall be appointed by the Mayor of The Town of Greenwood with the advice and consent of a majority of all the elected members of the Town Council at the annual meeting herein before provided, and shall serve for one (1) year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of an interest in the life and health of the people of the Town. The Board shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the citizens of The Town of Greenwood. The Board shall organize by the election of a Chairman and Secretary within ten (10) days after notice of their appointment and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.~~

~~(b) The Secretary of the Board may be allowed a reasonable annual compensation for his services, which shall be determined by the Town Council and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the Mayor, but he shall be a resident of The Town of Greenwood.~~

~~(c) The Board of Health shall have the power to recommend the adoption of Ordinances relating to the health of the population of the Town or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the same and such Ordinances, when adopted by the Town Council, shall extend to an area outside the Town limits for a distance of one (1) mile.~~

Section 10. Amend Section 22, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Police Force

Section 22.

~~(c) Every person sentenced to imprisonment by the Alderman or the Assistant Alderman or a Justice of the Peace, as the case may be, shall be delivered by a member of the police force to the correctional institution located in Sussex County to be there imprisoned for the term of his sentence.~~

~~(d) In the case of an arrest at any time when the Alderman or the Assistant Alderman of The Town of Greenwood shall not be available or if no such Alderman or Assistant Alderman has been appointed, the person arrested may be taken before the nearest Justice of the Peace with offices in Sussex County who shall hear and determine the charge, and who, in such case, is vested with all the authority and powers granted by this Charter unto the Alderman or the Assistant Alderman. In the case of an arrest at a time when the Alderman or Assistant Alderman or the Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be delivered to the correctional institution located in Sussex County for imprisonment until such reasonable time thereafter as shall enable the Alderman or Assistant Alderman or the Justice of the Peace to hear and determine the charge against such person.~~

Section 11. Amend Section 23, Chapter 109, Volume 68, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

Annual Audit

Section 23.

At the Annual Meeting herein before provided, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, shall appoint an accountant to be the auditor of accounts of The Town of Greenwood. It shall be the duty of the auditor to audit the accounts of the Town and all its officers whose duty involves the collection, custody and payment of monies to the Town. ~~The auditor shall audit the books of the Alderman and the Assistant Alderman of The Town of Greenwood, the records of all fines, penalties, costs imposed or collected by him pursuant to any judgment, order or decree made.~~ The auditor shall, on or before the ~~expiration of ninety(90) days from the end of the fiscal year~~ date set by the Town Council, annually make and deliver a detailed report of any and all accounts, records, and books by them examined and audited which report shall be under his/her hand and seal ~~shall be printed in a newspaper having a general circulation in the Town in the issue immediately preceding the annual report.~~ The auditor, in the performance of his/her duties, shall have access to all records and accounts of the offices of the Town Council and he/she is hereby authorized and empowered to employ such clerks as in his/her judgment may be necessary in the proper performance of his/her duties.

Section 12. This bill shall become effective immediately upon the date of its enactment.

Approved May 15, 2014