

CHAPTER 274
FORMERLY
HOUSE BILL NO. 362

AN ACT TO AMEND THE LAWS OF DELAWARE VOLUME 66, AS AMENDED,
PERTAINING TO THE CHARTER OF THE TOWN OF CLAYTON.

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 Clayton, Volume 66, Chapter 291, Laws of Delaware (hereinafter the "Clayton Town Charter"), Article III, Structure of Government, by striking § 3.5(a)(6) in its entirety and substituting in lieu thereof the following:

"(6) Fails to attend three consecutive Town meetings without being excused, which 'Town meetings' include regular meetings of the Town Council, special council meetings called by the Mayor, and meetings of committees to which a Council member has been appointed;"

Section 2: Further Amend Article III of the Clayton Town Charter by striking the word "or" where it appears before the paragraph number (7) in § 3.5(a) and by inserting a new paragraph 8, reading as follows:

"; or (8) Except in the case of an emergency, a Council member may be excused from a Town meeting only upon prior written notice to the Council. A Council member shall be excused only for: illness of the Council member; a death or other documented emergency in the Council member's immediate family; the birth of a child of the Council member which coincides with the time of a Council meeting; a wedding in the Council member's immediate family; or such other exceptional circumstance as the President determines is appropriate, on a case-by-case basis, to excuse the Council member."

Section 3: Amend Article IV, Powers of Council, of the Clayton Town Charter, by striking the word "Councilmen" where it appears in § 4.1(b) and substituting in lieu thereof the word "Council".

Section 4: Further amend Article IV of the Clayton Town Charter by striking the word "and" where it appears after the phrase "the power to levy and collect taxes" and before the word "real" in § 4.4(a), and substituting in lieu thereof the word "on", and by striking in its entirety the sentence "The Council shall likewise have the power to levy and collect taxes, commonly known as 'capitation tax', upon the individual residents of the Town who are of the age of 18 years or over."

Section 5: Further amend Article IV of the Clayton Town Charter by striking the phrase "to allow discounts for early payment of taxes" where it appears in § 4.4(b).

Section 6: Further amend Article IV of the Clayton Town Charter by striking the phrase "one percent (1%)" where it appears in § 4.4(d), and substituting in lieu thereof the phrase "one and one-half percent (1 1/2%)".

Section 7: Further Amend Article IV of the Clayton Town Charter by striking the phrase "one (1%) percent" where it appears in § 4.6(a), and substituting in lieu thereof the phrase "one and one-half percent (1 1/2%)"; and by striking in its entirety the phrase "or shall not exceed seven hundred and fifty thousand dollars (\$750,000.00), which ever is greater", where it appears in said subsection.

Section 8: Further amend Article IV of the Clayton Town Charter by striking the first paragraph of § 4.7.1 in its entirety and substituting in lieu thereof the following:

"The Town shall have the power to borrow upon the full faith and credit of said Town, for municipal purposes of any character whatsoever, by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the Town, or by issuing revenue bonds, either in whole or in part of the total amount necessary to the proper execution of any function or power of the Town."

Section 9: Further Amend Article IV of the Clayton Town Charter by adding a new § 4.11 titled "Investigations", reading as follows:

"The Town Council may make investigations into the affairs of the Town and the conduct of any Town department, office, officer, employee or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in exercise of these powers by the Council shall be a Class A Misdemeanor punishable under existing State law."

Section 10: Amend Article V, Police, of the Clayton Town Charter, by adding a new subsection (c) reading as follows:

“(c) Council may delegate its power to direct, hire, or remove police officers to the acting Police Chief by Ordinance or Resolution.”.

Section 11: Amend Article VII, Property and Special Assessments, of the Clayton Town Charter by striking §§ 7.1(d) and (e) in their entirety.

Section 12: Further amend Article VII of the Clayton Town Charter by striking the phrase “discounts and” where it appears in § 7.2(a).

Section 13: Further amend Article VII of the Clayton Town Charter by inserting a new Section 7.4, entitled “Impact Fees,” reading as follows:

“7.4 - Impact Fees: In connection with development plans, the President and Council have the authority to impose upon new development or construction, upon the first-time occupancy of new construction, or upon annexed property such ‘Impact fees’ as are reasonably calculated to cover the proportionate cost of installing, enlarging, improving or expanding public or municipal improvements, including sewer, water, electric, gas, roads, parking, police, and parks; and/or to contribute to the cost of operations of those volunteer fire companies and/or ambulance/paramedic companies providing services to the Town.”.

Section 14 Amend Article VIII, Council Appointments, of the Clayton Town Charter by striking the word “shall” where it currently appears in § 8.1 after the phrase “in each year, there”, and substituting in lieu thereof the word “may”.

Section 15: Further Amend Article VIII of the Clayton Town Charter by striking § 8.2, entitled “Town Clerk/Town Tax Collector”, in its entirety.

Section 16: Amend Article XII, Elections, of the Clayton Town Charter by striking the phrase “6:00 p.m.”, where it appears in § 12.2.4 and substituting in lieu thereof the phrase “7:00 p.m.”.

Approved May 22, 2010