

LAWS OF DELAWARE
VOLUME 84
CHAPTER 116
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 260

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWES.

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 14, of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished consistent with this Charter, as further defined in the purchasing policies adopted by City Council, by competitive bidding and the awarding of contracts to the lowest responsible bidder; provided, however, that competitive bidding shall not be required in any of the following circumstances:

(1) The aggregate ~~amount involved~~ of the purchase or contract amount involved is not more than ~~\$25,000~~ \$50,000.

(2) The purchase or contract is for ~~personal~~ or professional services.

(3) The purchase or contract is for any service rendered by a university, college or other educational institution.

(4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof.

(5) The purchase or contract is for property or services for which it is impracticable to obtain competition.

(6) The public exigency, as determined by the City Council, will not permit the delay incident to advertising.

(7) The materials to be purchased are to be used to complete a project under the supervision of the City Manager.

(8) he purchase or contract is for property or services for which the City Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition.

(9) A public emergency, as determined by the City Council, exists.

(10) The vendor or contractor is a party to a competitively bid contract awarded by the State of Delaware, any agency of the State of Delaware, or Sussex County, and the instant purchase or contract extends to the City of Lewes substantially the same or more favorable prices, terms, and conditions as established in the aforementioned competitively bid contract.

(11) The purchase or contract is made pursuant to a cooperative or joint purchasing agreement for the procurement of materiel or nonprofessional services with 1 or more public procurement units either within the State or within another state in accordance with an agreement entered into between the participants.

Section 2. Amend Section 20, of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(a) The City Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of The City of Lewes, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances or equipment for the supply or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvements of highways, streets or lanes or the paving, curbing or erection of gutters along same; for the construction or repair of sewers or sewage disposal equipment; ~~or~~ to defray the cost or the share of the city of the cost of any permanent municipal improvements; or for the purchase of real estate; provided, however, that the borrowing of the money therefore shall have been authorized by the City Council and shall have been approved by the electors in the manner and at the time following:

Section 3. Amend Section 25, of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(a) At the first regular meeting following the annual municipal election, the Mayor, by and with the advice and consent of a majority of all the members of City Council, ~~shall~~ may appoint a ~~bona fide resident being a freeholder or leaseholder as defined herein of the City to be~~ qualified person or firm to serve as the Assessor. In lieu of appointing an Assessor, prior to February 1 of any year, the City Council may by ordinance, elect to use the assessments and supplementary assessments for

property in the City as established annually or quarterly by Sussex County. Thereafter, the use of assessments established by Sussex County will continue until revoked by ordinance.

Section 4. Amend Section 26, of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(a) If the City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, ~~The~~ the Assessor shall, prior to the first regular meeting in January, make a just, true and impartial annual valuation or assessment of all real estate and improvements located on lands under lease, as defined herein, within The City of Lewes. In making such assessment, the rules and exemptions now applicable by law to the making of the county assessment of persons and properties shall be applicable insofar as consistent with the provisions of this Charter. All real estate and improvements located on lands under lease as defined herein shall be described with sufficient particularity to be identified. Real estate and improvements located on lands under lease, as defined herein, shall be assessed to the owner or owners if he or they be known. If the owner or owners cannot be found or ascertained, it may be assessed to "owner unknown." A mistake in the name of the owner or owners or a wrong name or an assessment to the owner unknown shall not affect the validity of the assessment of any municipal tax or assessment based thereon, provided that the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the office of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

(b) If the City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, ~~The~~ the Assessor shall also make a personal assessment of all the male and female citizens of the city above the age of eighteen (18) years. He shall also make a personal assessment against all person or persons residing within the limits of the city whether they are owners of said real estate or not; said personal assessment shall be determined by the Commissioners and certified to the Assessor. Said personal assessment or per capita tax, in the case of both resident and nonresident real estate owners, shall be in addition to the assessment levied on the real estate so owned by and assessed against them.

(c) If the City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, ~~The~~ the Assessor, after making such annual assessment, shall at the first regular meeting in January, aforesaid, deliver to the City Council a list containing the names of all persons assessed and the amount of the assessment against each. He shall also deliver at such time as many copies of said list as the City Council shall direct. If the City Council has elected to use the assessments and supplementary assessments for property in the City as established by Sussex County pursuant to Section 25 of this Charter, upon receipt of Sussex County's certified annual or quarterly assessments, the City Manager shall be responsible for promptly delivering to the City Council a list containing the names of all persons assessed residing within the limits of the city and the amount of the assessment against each.

(d) The annual assessment list shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, the improvements located on lands under lease as defined herein and the per capita assessment shall appear in separate column of spaces. In making its assessment, the Assessor shall make his valuation accordingly.

(f) Immediately upon receiving the annual assessment list ~~from the Assessor,~~ the City Council shall cause a full and complete copy of same containing the amount assessed to each taxable to be hung in a public place in The City of Lewes, and there it shall remain for a period of at least ten (10) days for the information of and examination of all concerned. If the City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, Appended appended to said posting and also in five (5) or more public places in said city, there shall be posted notices advising all concerned that any property owner or leaseholder who desires to appeal his assessment shall file an appeal in writing stating the reason or reasons therefor not later than a certain day mentioned therein and not earlier than ten (10) days after the date of posting the true and correct copy of the annual assessment list and further that at the next regular meeting of the City Council following the expiration of time when an appeal shall be filed, the City Council will fix a time and date when the City Council will hold a Board of Appeals at which time it shall hear appeals filed in writing within the time specified from the said annual assessment. The decision of the City Council, sitting as a Board of Appeals, shall be final and conclusive, and said City Council shall revise and complete said assessment at this sitting. No Council Person shall sit upon his own appeal, but the same shall be heard and determined by the other members of the City Council.

(g) If the City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, ~~The~~ Assessor shall be present on the day fixed for hearing appeals and shall furnish to the City Council such information and answer such questions

as the City Council may require in respect to any assessment from which an appeal has been taken. The City Council shall have authority to enforce his attendance by appropriate process.

(h) If the City Council has elected to use the assessments and supplementary assessments for property in the City as established by Sussex County, pursuant to Section 25 of this Charter, the City's use of such assessments and supplementary assessments shall be subject to statutory judicial appeals.

Section 5. Amend Section 26A, of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(a) In addition to the annual assessment provided for in Section 26 of this Charter, the Assessor or Sussex County may ; ~~at his option,~~ prepare a quarterly supplemental assessment list for any of the following purposes:

- (1) Adding property which was not included on the last annual assessment;
- (2) Increasing the assessed value of property which was included in the last assessment;
- (3) Correcting errors on the prior annual assessment;
- (4) Revising or modifying any exemption from taxation applicable to property within the city.

(b) If City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, ~~The~~ the supplemental assessment list shall be prepared quarterly by the Assessor and the first such supplemental assessment shall be certified to the City Council on May 1, the second on August 1, the third on November 1 and the fourth on February 1 of each year.

(c) On the date of certification of the supplemental assessment list to the City Council ~~by the Assessor~~ each property owner shall be liable for the payment of real estate taxes equal to the assessed value of the property multiplied by the tax rate for the then current fiscal year applicable to the property reduced by twenty-five percent (25%) when the property is listed on the second supplemental assessment list, fifty percent (50%) when the property is listed on the third supplemental assessment list and seventy-five percent (75%) when the property is listed on the fourth supplemental assessment list, and the amount of such tax, together with any interest, penalty and collection charge, shall be a lien for a period of ten (10) years from the date of certification of the supplemental assessment list to the City Council by the Assessor and such lien shall have preference and priority to all other liens created or suffered on real estate or upon leaseholds or upon improvements located on land under lease as prescribed in this Charter although such lien or liens be of a date prior to the time of the attaching of such lien for taxes.

(d) Whenever the Assessor or Sussex County places a property on a supplemental assessment list, ~~he~~ the Assessor or the City Manager shall deposit notice thereof in the regular mail addressed to the owner of the property affected thereby at the address shown on the assessment list, or if the address of such owner does not appear on the assessment list, then to the person occupying the property, or if there is no apparent occupant, such notice shall be posted on the property. Such notice shall be given no later than the date on which the supplemental list on which the property appears is certified to the City Council ~~by the Assessor~~. The certification by the Assessor or the City Manager that the notice required by this subsection was mailed or posted, as the case may be, shall be conclusive evidence that notice to the property owner was received.

(e) The Assessor or the City Manager shall publish a notice of the place or places where the supplemental assessment list may be inspected. If the City Council has elected to appoint an Assessor pursuant to Section 25 of this Charter, such notice shall include together with a notice of the time and place in the city when appeals in writing stating the reason or reasons therefor may be filed by any property owner or leaseholder, from the supplemental assessment list, not earlier than ten (10) days from the date of last publication and noticing that at the next regular meeting following the expiration of time when an appeal may be filed, the City Council will fix a time and place when the City Council will sit as a Board of Appeals to hear those appeals filed in writing within the time specified from the supplemental assessment. Such notice shall appear at least once a week for two (2) consecutive weeks in a newspaper of general circulation in the city. The decision of the City Council sitting as a Board of Appeals shall be final and conclusive, and said City Council shall revise and complete said supplemental assessment at this sitting. Neither the Mayor nor any member of the City Council shall sit upon his appeal, but the same shall be held and determined by the other members of the City Council. If the City Council has elected to use the assessments and supplementary assessments for property in the City as established by Sussex County pursuant to Section 25 of this Charter, no city-level assessment appeals shall take place. The City's use of Sussex County assessments and supplementary assessments shall be subject to statutory judicial appeals.

(f) Pending determination of the appeal, the property owner may either pay the tax imposed by the supplemental assessment and if on appeal the assessment is reduced, the property owner shall be entitled to a refund of the taxes which he has paid plus a refund of any penalties as imposed by Mayor and City Council on the unpaid and delinquent taxes which are the subject of the aforementioned appeal, ~~plus interest thereon at the rate of one percent (1%) per month for each month or fraction~~

~~thereof from the date of payment~~ or the property owner may decline to pay the tax imposed by the supplemental assessment in which case, ~~interest and penalties imposed by Mayor and City Council~~ shall accrue ~~at the rate of one percent (1%)~~ for each month or fraction thereof that the taxes remain unpaid and delinquent.

(g) In the collection of all taxes imposed by the supplemental assessment list there shall be no deduction nor abatement of the taxes, and the City Manager shall add ~~an amount equal to one percent (1%) per month~~ penalties for each month or fraction thereof that such taxes remain unpaid following the date that such taxes became delinquent.

Section 6. Amend Section 29, of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(30) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon and to levy and collect taxes for any and all municipal purposes upon improvements having an assessed valuation of at least one thousand dollars (\$1,000.) located on land under a valid lease for a period of at least ten (10) years within the city, except lands belonging to the city, provided that the amount to be raised from this source shall not exceed the sum of ~~three million five hundred thousand dollars (\$3,500,000.)~~ equal to one half of one percent (0.5%) of the full assessed value of land and improvements within the City, or \$5,000,000, whichever is greater.

Section 7. Amend Section 32 of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(a) The City Council of The City of Lewes shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of The City of Lewes the sum or sums, not including bonded indebtedness, of not exceeding ten percent (10%) of the assessed valuation of all real estate in the city and on public lands under the jurisdiction of the City Council in any one (1) fiscal year when, in the opinion of the majority of said City Council, the needs of The City of Lewes demand it. The City Council may secure said sum or sums of money so borrowed by promissory notes of the city and attested by the Secretary, either with or without the Corporate Seal of The City of Lewes affixed as is requested by the bank or person advancing the money on said notes, and no officer or Council Person shall be personally liable for the payment of such notes because they are signed by them as officers of The City of Lewes and are authorized by resolution of the City Council; provided, however, that any sum of money borrowed on the faith and credit of The City of Lewes, as aforesaid, in any fiscal year shall be paid out of the general funds of the city, at the minimum rate of ten per centum (10%) per fiscal year and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon.

Section 8. Amend Section 35 of the Charter of the City of Lewes by making insertions as shown by underline and deletions as shown by strikethrough as follows:

(a) The City Council shall have the power to cause to be paved or repaved the sidewalks of said city or any part or portion thereof, to cause to be repaired or re-laid existing curbs or gutters, or both, or any part or portion thereof or to cause to be laid, installed or constructed new curbs or gutters, or both, or any part or portion thereof with such material or materials and of such width or size and subject to such specifications as the City Council shall determine.

~~(b) Before the exercise of said power in any particular instance, the City Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place the City Council will meet to consider the question of paving or repaving the sidewalks, repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials or to construct new curbs or gutters, or both.~~

~~(c) The ordinance or resolution shall specify the streets and the names and addresses of the owners of property in front of or adjacent to whose property the work shall be done.~~

~~(d) The said ordinance or resolution shall be published at least one (1) week prior to the meeting of the City Council in at least one (1) issue of a newspaper having a general circulation in The City of Lewes.~~

~~(e) The City Council shall hold a meeting in said city pursuant to the provisions of said ordinance or resolution and at such meeting shall hear the owners of property and other residents of the city appearing on the question referred to in the said ordinance or resolution.~~

~~(f) (b) Following said hearing, the The City Council, either at said meeting or at a subsequent meeting, shall decide whether to proceed with the improvements said improvements referred to in said ordinance or resolution or any part thereof, and if it shall decide to proceed, it shall determine the City Council shall adopt an ordinance or resolution specifying the streets where the work shall be done, and specifying whether the whole or some specified portion of the cost of the improvements, repairs or replacements shall be assessed to the owner or owners of the property in front of or adjacent to whose property the said~~

improvements, repairs or replacements are being constructed or installed. If the City Council concludes that the whole or a specified portion of said cost shall be borne by said owners, the said owners shall be compelled to pay the whole or the specified portion of the costs of the said work, the amount to be paid to be determined by considerations including but not limited to, the linear frontage of the parcel in front of which the sidewalk is to be paved or repaved or of the gutter to be laid, repaired or replaced or the curb to be repaired, constructed or installed or any or all of said improvements, as the case may be.

(c) At least two (2) weeks prior to the exercise of power under this Section in any particular instance, the City Manager shall provide notice to the owners of property in front of or adjacent to the location where the work shall be done.

~~(g)~~ (d) When the said paving or repaving, curbing or recurbing, guttering or reguttering or any or all of them shall have been completed and the costs thereof ascertained, the City Council shall ascertain the amount that the owner of each parcel of property shall pay and shall give written notice thereof to such owner, or one (1) of the co-owners if there be more than one (1) owner, by mailing the same to his last known address by first class mail with postage prepaid. If any owner shall fail to pay the specified amount within thirty (30) days after the mailing of such notice, the amount, together with costs and interest, may be collected by the City Manager in the same manner and under the same terms and conditions as are provided for the collection of delinquent taxes.

~~(h)~~ (e) Any notice sent to one (1) co-owner shall be notice to all owners, and in a case if no owners reside within the corporate limits of The City of Lewes, notice served as set forth herein or posted upon the premises shall be sufficient.

~~(i)~~ (f) Provisions contained herein shall apply to any ordinance or resolution enacted or adopted by the City Council in respect to any pavement, sidewalk, gutter or curb heretofore made or done which the said City Council may deem to need repair or replacement.

Approved July 25, 2023