



SPONSOR: Sen. Still & Rep. Blakey

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 47

AN ACT TO REINCORPORATE THE TOWN OF CAMDEN.

1 WHEREAS, it is deemed advisable that the Charter of the Town of Camden, set forth in 74 Del. Laws c. 125, be
2 substantially amended and revised.

3 NOW THEREFORE:

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members
5 elected to each house thereof concurring therein):

6 Section1. The Charter for the Town of Camden is hereby amended in its entirety and reincorporated to read as follows:

7 **“Charter of the Town of Camden**

8 **Section 1. Incorporation**

9 The inhabitants of The Town of Camden (“Town”) within the corporate limits as hereinafter defined in this Charter or as
10 extended as hereinafter provided are hereby declared to be a body politic incorporated in law and equity and shall be able
11 and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of
12 judicature whatsoever by the corporation name of “The Town of Camden”.

13 **Section 2. Metes and Bounds**

14 The boundaries of the Town of Camden are hereby established and declared as recorded on the official map of record in the
15 Recorder of Deeds Office for Kent County of the State of Delaware as presently existing and as hereinafter amended.

16 **Section 3. Annexation**

17 The Town shall have power to annex any additional contiguous territory adjoining the corporate limits of the Town as
18 hereinbefore set forth or as hereafter extended pursuant to the procedure set forth in this section, and to apply to all such
19 additional territory all laws, ordinances, Resolutions and policies in force in the Town so far as they may be locally
20 applicable.

21 **a. Initiation of Annexation Proceedings.**

22 1. By Petition of the Property Owners. Any property owner(s) holding record fee title to real property in territory
23 contiguous to the then existing corporate limits of the Town may petition the Mayor and Council to annex that certain

24 territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each
25 petitioner, shall describe within reasonable certainty the territory proposed for annexation, indicate the property owned
26 by each petitioner therein, and state the reasons for the requested annexation. The Mayor and Council may, within
27 ninety (90) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as
28 hereinafter provided, or to reject such petition. A petition not so accepted within said ninety (90) days shall be null and
29 void. For the purposes of this section, "territory contiguous to the then existing corporate limits of the Town" shall
30 include both real property which, though itself not contiguous to the Town's then existing corporate limits, is
31 contiguous to other real property which is proposed to be included in the annexation and real property which would be
32 contiguous under §3.b.9.B.

33 2. By Resolution of the Mayor and Council. The Mayor and Council may, at any time, adopt a Resolution proposing
34 the annexation of any territory contiguous to the Town. Such Resolution shall describe, with reasonable certainty, the
35 territory proposed to be annexed and state the reasons for the proposed annexation. Upon adoption of such a
36 Resolution, the Mayor and Council shall proceed as hereafter provided.

37 **b. Annexation Procedure.** Whether annexation is proposed by petition of the property owners or by Resolution of the
38 Mayor and Council the following procedure shall be complied with:

39 1. Resolution and Notice. The Mayor and Council shall adopt a Resolution notifying the property owners and the
40 residents of both the Town and the territory proposed to be annexed, that the Town proposes to annex certain territory
41 which adjoins its then corporate limits. The Resolution shall contain a description of the territory proposed to be
42 annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution
43 setting forth the information shall be published at least once in at least two newspapers both of which shall be of
44 general circulation in the Town and in the territory proposed to be annexed. Such publication shall appear not less than
45 twenty-one (21) days nor more than sixty (60) days before the date set for the hearing. In the event that such
46 publications do not appear on the same date, the date of the last publication shall control. Such notice shall be in bold
47 print or bordered in black in such manner as to call attention thereto.

48 In addition to publication as herein provided, the Mayor and Council shall, not less than twenty-one (21) days nor more
49 than sixty (60) days before the date of such hearing: (1) cause a public notice, containing the full text of the Resolution,
50 to be posted in at least five (5) public places in the Town and in at least one (1) place, viewable to the public, in the
51 territory proposed to be annexed; and (2) send a copy of such notice, certified mail, to the owners of record of the lands
52 proposed to be included in the annexation at their address as shown on the public tax records. Written notice to one (1)
53 co-owner shall be notice to all.

54 2. **Public Hearing.** At the time, date, and place specified in the Resolution proposing annexation (or at any revised
55 date, time, or place if duly noticed as provided in §3.b.1) the Mayor and Council shall sit to hear comments and
56 opinion from any concerned party regarding the proposed annexation. Such public hearing shall be for the purpose of
57 obtaining public opinion and legislative fact finding and the Mayor and Council shall not be bound, in any way, to act
58 in response to any information or comments offered at such hearing.

59 3. **Resolution Ordering Special Election.** At any time following the public hearing, the Mayor and Council may
60 pass a Resolution ordering a special election to be held not less than twenty-one (21) days, nor more than sixty (60)
61 days after the date of such Resolution proposing the special election. The passage of this Resolution shall ipso facto be
62 considered the determination of the Mayor and Council to proceed with the matter of the proposed annexation,
63 provided, however, that if the annual municipal election is to be held within one hundred twenty (120) days of the date
64 of the Resolution adopted by Council pursuant to this section, the election on the proposed annexation may be held in
65 conjunction with the annual municipal election and all provisions hereof shall be construed and applied accordingly.

66 4. **Notice of Special Election.** Notice of the time and place of said special election shall be published not less than
67 twenty-one (21) days nor more than sixty (60) days before the date set for said Special Election. Notice shall be
68 published at least once in two (2) newspapers, both of which shall be of general circulation in the Town and in the
69 territory proposed to be annexed. In the event that such publications do not appear on the same date, the date of the
70 last publication shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention
71 thereto. In addition to such publication as herein provided, the Mayor and Council shall not less than twenty-one (21)
72 days nor more than sixty (60) days before the date of such special election cause a public notice, containing the full text
73 of the Resolution proposing such Special Election, to be posted in at least five (5) public places in the Town and in at
74 least one (1) place, viewable to the public, in the territory proposed to be annexed.

75 5. **Those Entitled to Vote.**

76 A. At such special election, any person who is lawfully entitled to vote at the annual town election, if it were
77 being held on that day, and any person who would be so entitled if the area proposed to be annexed were already
78 included in the Town, shall be entitled to one vote. (For purposes of this section “Lawfully entitled to vote” shall
79 include “registered to vote” if registration is required; but all persons in the area to be annexed shall be deemed to
80 be registered if they would otherwise be entitled to vote.) In addition, each legal entity, other than a natural
81 person, owning property in its own name, either in the Town or in the territory proposed to be annexed, shall be
82 entitled to one vote.

83 B. Those provisions shall be construed so as to permit only “one person, one vote.” Where a voter is entitled to
84 vote by virtue of both residence and ownership of property, that voter shall be entitled to only one vote; where a
85 voter is entitled to vote by ownership of two or more properties, that voter shall be entitled to only one vote.

86 C. Any legal entity (other than a natural person) entitled to vote must cast its vote by a duly executed and
87 acknowledged power of attorney. Such Power of Attorney shall be surrendered to the Board of Special Elections
88 which shall file same in the Office of the Town Manager. Such Power of Attorney so filed shall constitute
89 conclusive evidence of the right of said person to vote in the Special Election on behalf of the legal entity granting
90 the power.

91 **6. Conduct of Special Election.** The Mayor and Council may cause voting machines, electronic voting system, or
92 paper ballots to be used in the Special Election, as required by law, the form of ballot to be printed as follows:

93 For the proposed annexation. _____

94 Against the proposed annexation. _____

95 The Mayor shall appoint three (3) persons to act as a Board of Special Elections. One (1) of said persons so appointed
96 shall be designated the Presiding Officer. The Board of Special Elections shall be the sole and final judges of the
97 legality of the votes offered at such Special Election. It shall keep a true and accurate list of all natural persons and
98 other legal entities voting. Voting shall be conducted in a public place as designated by the Resolution calling the
99 Special Election. The polling place shall be open for six (6) consecutive hours, as set by the Mayor and Council, on
100 the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be
101 permitted to vote, even through such votes are not cast until after the time for the closing of the polls.

102 (1) All ballots cast by those persons or other legal entities authorized to vote as residents or property owners in the
103 territory proposed to be annexed shall be deposited in designated ballot box(es) or cast in designated voting
104 machine(s), and all ballots cast by those persons or other legal entities who are authorized to vote as residents or
105 property owners of the Town shall be deposited in other designated ballot box (es) or cast in other designated voting
106 machine(s).

107 **7. Results of Special Election.**

108 A. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both
109 from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed
110 annexation.

111 B. In the event that the Special Election results in an unfavorable vote for annexation in either or both the Town
112 and the territory proposed to be annexed, no part of the territory proposed to be annexed shall again be considered
113 for annexation for a period of at least one year from the date of the Special Election.

114 C. If the vote in both the Town and in the territory proposed to be annexed is favorable to the proposed
115 annexation, the Mayor and Council shall at their first meeting following the Special Election adopt a Resolution
116 annexing the said territory and including it within the limits of the Town. Upon the adoption of said Resolution of
117 annexation, a copy thereof, signed by the Mayor, and certified by the Town Manager, with municipal seal affixed,
118 together with a plot of the area annexed, shall forthwith be filed for record in the Office of the Recorder of Deeds
119 in and for Kent County, Delaware. The territory so annexed shall be considered to be a part of the Town from the
120 moment the last mentioned Resolution is adopted by the Mayor and Council. Failure to record said Resolution, or
121 the plot accompanying the same, shall not invalidate the annexation, but such recording may be enforced by writ
122 of mandamus or mandatory injunction.

123 **8. Annexation Agreements.** Notwithstanding any provision herein to the contrary, where, pursuant to §3.a.1 of this
124 Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory
125 contiguous to the then existing corporate limits of the Town, such petition may be made contingent upon an annexation
126 agreement with the town which agreement may address any matters which would be relevant to the subject lands, if
127 annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax
128 relief, public utilities, and public improvements. In the event the Mayor and Council approve such an agreement and
129 votes to accept a petition under §3.a.1 of this Charter, such Annexation Agreement shall be deemed a material part of
130 the annexation and shall be included in all subsequent steps of the annexation procedure; that is: (1) the Resolutions and
131 notices adopted by the Mayor and Council pursuant to §3.b.1, 3.b.4, and 3.b.10 shall recite that the proposed annexation
132 includes and is subject to an annexation agreement, shall briefly summarize its terms, and shall state that copies of the
133 Agreement are available upon request at the Town Hall; (2) if the results of the election are favorable to the proposed
134 annexation as provided by §3.b.7.A of this Charter, the Resolution annexing the territory (as provided by §3.b.7.C shall
135 recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by
136 specific reference; and the Town shall be bound to honor the provisions of such agreement unless released there from
137 by the petitioner(s).

138 Provided further, that no agreement made at the time of annexation under this §3.b.8 shall extend beyond seven (7)
139 years from the date the property is annexed into the Town; and such agreement shall be null, void, and
140 unenforceable after the expiration of said seven (7) years.

141 An annexation agreement may be modified or amended by mutual agreement of the petitioner and the Mayor and
142 Council at any time prior to the Resolution ordering the special election pursuant to §3.b.3 of this Charter, but any
143 material modification or amendment shall be deemed to be the withdrawal of the original petition and the filing of
144 a new petition under §3.a.1.

145 **9. Property Owned by the State of Delaware Highways, Streets, Roads, and Alleys; Ponds, Canals, Streams,**
146 **and Other Waters**

147 A. Real property owned by the State of Delaware may be annexed into the Town without the State’s casting a
148 vote in the Special Election, provided the state agency having control and supervision thereof does not notify the
149 Town, in writing, of its objection to such annexation within 30 days after receiving written notice of the
150 Resolution proposing the annexation as provided in §3.b.1.

151 B. Contiguity with the Town’s existing corporate limits, or with other territory which is itself contiguous within
152 the Town’s existing corporate limits, shall not be deemed interrupted by the existence of any highway, street, road,
153 alley, pond, canal, stream, or other body of water which passes through, or lies within the territory to be annexed.

154 **10. Limitations.** No action contesting the annexation of any territory under this Section shall be brought after the
155 expiration of sixty (60) days from the publication of a notice in at least two (2) newspapers, both of general circulation
156 in the Town and in the territory annexed, which notice shall contain the following information:

157 A. Notice that the Town has annexed such territory and a description thereof.

158 B. Notice that any person or other legal entity desiring to challenge such annexation must bring his/her/its action
159 within sixty (60) days from the date of publication of such notice or forever be barred from doing so.

160 C. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

161 D. In addition to publication as herein provided, the Mayor and Council shall cause a public notice, containing the
162 information set out in subsections A and B above (using date of “posting” for date of “publication”), to be posted
163 in at least five public places in the Town and in at least one place, viewable to the public, in the territory proposed
164 to be annexed.

165 E. In the event the publications and/or postings do not appear on the same date, the date of the last publication or
166 posting shall control.

167 **Section 4. Town Governance**

168 The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein,
169 shall be vested in a Town Council composed of a Mayor, whose term shall be for a period of two (2) years, and four (4)
170 council members each of whose terms shall be for a period of three (3) years, commencing at the Annual Meeting of the

171 Town Council following his or her election and continuing until his or her successor is duly elected and qualified. A
172 member of Town Council must resign his or her council seat if he or she files to run for the office of Mayor and the terms
173 overlap.

174 **Section 5. Qualifications for Town Councilman**

175 The qualifications for Town Councilman at the time of his/her election shall be as follows:

- 176 a. A bona fide resident of the United States and the State of Delaware and a resident of the Town for at least one (1) year
177 next preceding the Annual Municipal Election; and
- 178 b. At least eighteen (18) years of age;
- 179 c. Be non-delinquent in his/her uncontested Town taxes.
- 180 d. Each of the qualification for Town Councilman shall be continuing qualification to hold office and the failure of any of
181 the Town Councilmen to have any of the qualifications required by this Section during his/her term of office shall create a
182 vacancy in the office.
- 183 e. The Mayor and Council, by majority vote of its disinterested members, shall be the sole and final judge of the
184 qualifications of its members, and shall interpret and apply the standards set forth in this Charter.

185 **Section 6. Election of a Mayor and/or Councilman**

186 Each candidate for Mayor or Town Council shall be nominated as follows:

- 187 a. Each candidate shall notify the Mayor and Council in writing of his or her candidacy for the office of Mayor or Town
188 Council.
- 189 b. All such notifications of candidacy shall be filed in person at the Town Hall during regular business hours, not earlier
190 than the opening of business on the first Monday of December and prior to the close of business on the last Friday of
191 January. Town Hall will be open until 8:00 p.m. on the third (3rd) Wednesday of January for candidates to file. All
192 notifications of candidacy shall be publicly presented to the Mayor and Council at the regularly scheduled meeting of
193 Council in February of each year.
- 194 c. Mayor and Council shall make provisions for voting machines to be used and shall also cause to be printed sufficient
195 absentee ballots in order for each citizen of the Town to vote at the Annual Municipal Election. Such ballot shall contain
196 the names of all persons nominated and shall designate the office for which each is a candidate. Absentee ballots shall be
197 made available for completion beginning the second (2nd) Monday of February through the close of business on the day
198 immediately preceding the Annual Municipal Election.

199 At such Annual Municipal Election or special election of the Town, every person shall have one (1) vote, provided that he
200 or she: (1) has attained the age of eighteen (18) years on the date of the Annual Municipal Election; (2) is domiciled in the

201 Town; and (3) has properly registered to vote in the Town. For purposes of this Section, a person is "domiciled" in
202 Camden when he or she physically resides within the corporate limits of the Town with the actual intent to make that
203 residence his or her fixed permanent home, however, any person who is enlisted or engaged in any government service of
204 the United States or any military organization of this State or of the United States, which service requires him or her to
205 reside outside the limits of the Town, shall be considered to be domiciled in the Town during the period of his or her
206 service; so long as it remains his or her actual intention to retain the Camden residence as his or her fixed and permanent
207 home. The Town shall maintain a voter registration book at Town Hall which shall contain the following information: (1)
208 the names of the registered voters arranged in alphabetical order; (2) the address of each registered voter; (3) the birth date
209 of each registered voter; and (4) the date that the registrant became domiciled in the Town.

210 **Section 7. Elections**

211 It is in the best interest of the residents of the Town of Camden to conduct elections in a uniform, fair, and open manner
212 under Subchapter IV of Chapter 75 of Title 15 of the Delaware Code.

213 All votes offered at the Annual Municipal Election shall be offered in person and/or by absentee ballot. Write-in candidates
214 will be allowed in a contested election.

215 **Section 8. Organization and Annual Meeting of Council**

216 a. Before entering upon the duties of their respective offices, the Councilmen Elect shall be sworn by a Notary Public, a
217 judicial officer, or by a hold-over member of the Council to perform faithfully and impartially the duties of their respective
218 offices with fidelity. At seven-thirty o'clock in the evening, prevailing time, at the first regular meeting following the
219 Annual Municipal Election, the Mayor and Council shall meet at the Council Chamber and the newly elected officers shall
220 assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

221 b. At the Annual Meeting, held on the first regular meeting following the Annual Municipal Election, the Mayor and
222 Council shall organize and elect, by ballot, a Vice Mayor who shall hold office for the term of one (1) year or until his/her
223 successor shall be duly elected. The Mayor and Council shall likewise select a Secretary, who may or may not be from
224 among their own number, to serve until the first regular meeting after the next Annual Municipal Election. The Mayor and
225 Council may also select such other officers or employees as may be determined to be necessary. The Mayor and Council
226 shall determine the compensation and emoluments of those so selected.

227 **Section 9. Operation of the Town Council**

228 The Town Council shall hold one (1) meeting in each month on the first Monday of the month. If the first Monday of the
229 month shall be a legal holiday the monthly meeting of the Town Council shall be held on the next succeeding Monday.
230 Special meetings shall be called by the Secretary upon the written request of the Mayor, or upon the written request of any

231 two (2) members of the Town Council stating the day, hour and place of the Special Meeting requested, and the subject or
232 subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each
233 member of the Town Council of the day, hour, and place of such special meeting and the subject or subjects to be
234 considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main post office of the
235 Town at least forty-eight (48) hours before the time of said Special Meeting; provided however, that a written waiver of
236 such notice signed by the Mayor of and by all members of the Town Council prior to or immediately upon convening of the
237 said such Special Meeting shall make such written notice unnecessary and shall authorize and make valid the holding of the
238 Special Meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver
239 so states. This waiver does not eliminate the requirement for Public Notice.

240 **Section 10. Town Council Quorum**

241 A majority of the members of the Town Council shall constitute a quorum at any regular or special meeting, but a lesser
242 number may adjourn from time to time and may compel the attendance of absent members in such manner and under such
243 penalties as may be prescribed by Ordinance.

244 **Section 11. Town Council Rules and Order of Business**

245 The Mayor and Council shall determine its own rules and order of business and shall keep a journal of its proceedings and
246 the yeas and nays shall be taken upon the passage of every ordinance and Resolution and shall be entered in the journal
247 with the text of the ordinance or Resolution.

248 **Section 12. Vacancy of Mayor or Council Members**

249 If any vacancy shall occur in the office of Mayor or Council Members by death, disability, resignation, loss of residence in
250 the Town, refusal to serve, or otherwise, the same may be filled by a majority vote of the Mayor and remaining members of
251 the Town Council. The person or persons so chosen to fill such vacancy shall be qualified as in the case of newly elected
252 members and shall hold office for the remainder of the unexpired term.

253 **Section 13. Disqualification of a Mayor or Council Members**

254 If a Mayor or any Councilmember, during his/her term of office, shall be found guilty of any crime or misdemeanor and
255 sentenced to imprisonment for any term whatever, or violates (a), (b), or (c) of Section 5, or shall for any reason cease to be
256 a resident of the Town, he/she shall forthwith be disqualified to act as Mayor or as a member of Council and his/her office
257 shall be deemed vacant and shall be filled by the Mayor and Council as aforesaid. A resignation may or may not be
258 requested by the Mayor and Council.

259 **Section 14. Contracts**

260 a. It shall be unlawful for the Mayor and Council to make or enter into any contract in excess of One Thousand Dollars
261 (\$1,000.00) for materials, supplies, services, work or labor, for the benefit and use of The Town with the Mayor or any
262 member of the Council or with any partnership in which the Mayor or any member of the Council is a General Partner, or
263 with any corporation of which the Mayor or any member of the Council is a Director or controlling stockholder or any firm
264 or company which the Mayor or any member of the Council is pecuniarily interested; provided, that if the Mayor and all the
265 members of the Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such
266 contract executed without such unanimous vote shall be absolutely null and void.

267 b. All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall
268 be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a
269 responsive bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:

- 270 1. The aggregate amount involved is not more than Five Thousand Dollars (\$5,000.00);
- 271 2. The purchase or contract is for personal or professional services;
- 272 3. The purchase or contract is for any services to be rendered by a university, college, or other educational institution;
- 273 4. The purchase or contract is for any services to be rendered by the State of Delaware or any political subdivision;
- 274 5. The purchase or contract is for property or services for which it is impracticable to obtain competition;
- 275 6. The public exigency, as determined by the Mayor and Council, will not permit the delay incident to advertising;
- 276 7. The purchase or contract is for property or services for which the Mayor and Council determine the prices received
277 after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in
278 open competition;
- 279 8. A public emergency as determined by the Mayor and Council exists.

280 **Section 15. Duties of the Mayor**

281 a. The Mayor shall preside at all meetings thereat, and shall vote on all matters brought before the Town Council for a
282 vote. He/she shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning
283 violations of law and ordinances. He/she shall present a report of complaints and nuisances and violations of law and
284 ordinances to the Town Council at the first regular meeting after receiving such complaints. The Mayor shall perform such
285 other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this
286 Charter.

287 b. The Mayor may, for any reasonable cause, by and with the consent and upon the address of a majority of all the
288 members of the Town Council, remove from office any person appointed by him/her or any of his/her predecessors. The
289 person against whom the Council may be about to proceed shall receive ten (10) days' written notice thereof, accompanied

290 by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is
291 received by the Mayor by certified mail with return receipt requested prior to removal.

292 c. The Mayor may appoint such other committees as he/she deems necessary for the proper administration of the Town or
293 the Council may, by Resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry
294 out the provisions of this Charter.

295 d. It shall be the duty of the Vice Mayor, in the absence of the Mayor, to preside at all meetings of the Town Council in the
296 event of absence of the Mayor and perform such other duties and to have such other powers of the Mayor as are prescribed
297 by the Charter of The Town of Camden or by any ordinance of the Town Council.

298 **Section 16. Town Manager and Chief Financial Officer**

299 **a. Appointment and Removal of Town Manager**

300 There shall be a Town Manager appointed by the Mayor and Council. He or she shall serve at the pleasure of the Mayor
301 and Council and the Mayor and Council shall determine the compensation and emoluments. The Town Manager may be
302 removed by a majority vote of the entire Mayor and Council, but that removal shall not become effective until at least thirty
303 (30) days after written notice of removal is issued. The Mayor and Council shall appoint or designate an acting Town
304 Manager if the Town Manager's position is vacant or if the Town Manager is unable to serve.

305 **b. Power and Duties of Town Manager**

306 The Town Manager shall have the authority to and shall be required to:

307 Be the chief administrative officer of the Town, see that its ordinances are faithfully executed, and be the head of the
308 administrative branch of the Town government.

309 Make an annual report to the Mayor and Council and to the public on the conditions of municipal affairs.

310 Make recommendations to the Mayor and Council for the public good and welfare of the Town.

311 Arrange for the taking of minutes of all Council meetings and keeping a full and accurate account of the proceedings of the
312 Mayor and Council.

313 Do such other things as the Mayor and Council may require or as may be required elsewhere in the Charter.

314 **c. Appointment and Removal of Chief Financial Officer**

315 There shall be a Chief Financial Officer appointed by the Council. He or she shall serve at the pleasure of the Council and
316 the Council shall determine the compensation and emoluments. The Chief Financial Officer may be removed by a majority
317 vote of the entire Council, but that removal shall not become effective until at least thirty (30) days after written notice of
318 removal is issued. The Council shall appoint or designate an acting Chief Financial Officer if the position is vacant or the
319 incumbent is unable to serve.

320 **d. Powers and Duties of Chief Financial Officer**

321 The Chief Financial Officer shall have the following powers and duties:

322 Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure budget
323 appropriations are not exceeded.

324 Maintain a general accounting system for the Town in the form required by the Council but not contrary to State Law.

325 Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the
326 Council.

327 Ascertain that all taxable property within the Town is assessed for taxation; collect all taxes, special assessments, licenses,
328 fees, liens, and all other revenues, including utility revenues of the Town, and all other revenues for whose collection the
329 Town is responsible; and receive any funds receivable by the Town.

330 Have custody of all public monies, belonging to or under control of the Town, except for funds in the control of any
331 trustees, and have custody of all bonds and notes of the Town.

332 **e. Town Clerk**

333 The Mayor and Council shall appoint and fix the salary of a Town Clerk. The Town Clerk shall not be a member of the
334 Town Council. The Town Clerk shall attend all meetings of the Town Council, shall record all the proceedings thereof, and
335 shall prepare and maintain the minutes of meetings. The Town Clerk shall attest the Seal of the Town when authorized by
336 the To Mayor and Council and shall perform such duties and have such other powers as may be prescribed by the Mayor
337 and Council.

338 **f. Bond**

339 The Town Manager and the Chief Financial Officer shall provide a bond with such corporate surety and in such amount as
340 the Council by ordinance may require.

341 **Section 17. Town Solicitor**

342 The Mayor with the advice and consent of a majority of the members of the Town Council, shall select and appoint a Town
343 Solicitor for an indefinite term who shall be removable at the pleasure of the Mayor and Council either with or without due
344 cause stated. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware, with offices in
345 Kent County. It shall be his/her duty to give legal advice to the Mayor and Council and other officers of the Town and to
346 perform other legal services as may be required of him/her by the Mayor and Council.

347 **Section 18. The Police**

348 a. The Mayor and Council shall, from time to time, make such rules and regulations as may be necessary for the
349 organization, government and control of the police force. The police shall preserve peace and order and shall compel

350 obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force
351 shall have such other duties as the Mayor and Council shall, from time to time, prescribe. The Chief of Police and the
352 members of the police force shall be subject to the direction of the Mayor.

353 b. Any police officer may carry out fresh pursuit of any person anywhere within this State in order to arrest such person
354 pursued, when there are reasonable grounds to suspect that a felony, misdemeanor, or violation of motor vehicle laws has
355 been committed in this state by such person.

356 c. It shall be the duty of the police force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of
357 the Town or the noisy conduct of any person in the same and upon the view of the above or upon view of the violation of
358 any Ordinance of the Town relating to the peace and good order thereof, the police force shall have the right and power to
359 arrest without warrant.

360 **Section 19. The Auditor**

361 At the Annual Meeting hereinbefore provided, the Mayor, with the advice and consent of a majority of the members of the
362 Town Council, shall appoint an accountant to be the Auditor of accounts of the Town. It shall be the duty of the Auditor to
363 audit the accounts of the Town and all its officers whose duty involves the collection, custody, and payment of moneys to
364 the Town. The Auditor shall audit the books of the Town. The Auditor shall annually make and deliver a detailed report of
365 any and all accounts, records, and books by them examined and audited which report, under his/her hand and seal, shall be
366 printed in a newspaper having general circulation in the Town in the issue immediately preceding the Annual Report. The
367 Auditor, in the performance of his/her duties, shall have access to all records and accounts of the offices of the Mayor and
368 Council and he/she is hereby authorized and empowered to employ such clerks as in his/her judgment may be necessary in
369 the proper performance of his/her duties.

370 **Section 20. Assessments**

371 a. The Town adopts Kent County Levy Court's approved assessment list for all real estate assessments within the corporate
372 limits of the Town.

373 b. In making real estate assessments, the rules and exemptions now applicable by law to the making of the assessment for
374 Kent County persons and property shall be applicable insofar as is consistent with the provisions of this Charter.

375 **Section 21. Determination of Taxes**

376 a. At the last regular meeting in the fiscal year, after having revised and completed the assessment, the Mayor and Council
377 shall determine, in their best judgment and knowledge, the total amount necessary to be raised by the Town to meet the
378 fixed and anticipated expenses and obligation of the Town, including reasonable and appropriate reserves, for the then

379 current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses
380 and emergencies.

381 b. The Mayor and Council should then proceed to determine, in their sole discretion, from which sources of the authorized
382 revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter
383 with respect to any such source, the amount to be raised from each such source. They shall then proceed to determine,
384 assess, fix and/or levy as follows:

385 1. The rate of tax on real estate including improvements thereon per One Hundred Dollars (\$100.00) of the assessed
386 value; and/or

387 2. The amount of personal or per capita tax upon each citizen of the town over the age of eighteen (18) years; and/or

388 3. The rate of tax upon all poles, construction, erections, wires, and appliances more particularly mentioned, or
389 intended so to be in Section 25. a. 29 of this Charter as amended; and/or

390 4. The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front
391 footage assessment, trash assessment; and/or

392 5. The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and
393 estimation to itemize the amount to be raised from each such source determined by them to be used as aforesaid;
394 provided, however, that sources (4) and (5) aforementioned may be determined, fixed, assessed, levied and/or altered
395 or changed upon other than a fiscal year basis and that any regular or special meeting of the Town Council as the Town
396 Council, in its own proper discretion, shall determine.

397 c. Immediately after the last regular meeting prior to the end of the fiscal year of each and every year the Mayor and
398 Council shall make, or cause to be made, a full, true and correct Annual Tax List showing the amount of tax levied against
399 each taxable thereon from sources (1), (2) and (e) above-mentioned. This list shall be known as the Annual Tax List of The
400 Town of Camden. In addition to the information contained in the assessment list, it shall also contain information as to the
401 rate of tax upon real estate for each One Hundred Dollars (\$100.00) of assessed valuation thereof.

402 d. The Mayor and Council shall cause to be delivered to the Chief Financial Officer a duplicate of the Annual Tax List and
403 the Chief Financial Officer shall immediately proceed to collect the same as hereinafter provided.

404 e. Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee,
405 assessment, or other charge lawfully levied, assessed, or due the Town, under existing laws in reference to the Town and
406 the same are hereby declared to be valid, binding and vested in The Town of Camden created hereby.

407 **Section 22. Collection of Taxes**

- 408 a. Collection by the Chief Financial Officer. The Chief Financial Officer shall, as soon as the Mayor and Council shall
409 have set the tax rate pursuant to §21, proceed at once to collect the taxes so levied.
- 410 b. Lien. All taxes so laid or imposed by the Town shall be and constitute a lien for a period of ten (10) years from the date
411 so levied, upon the real estate against which such taxes are laid and imposed; provided that if the real estate remains the
412 property of the person(s) or legal entity(s) who was/were the owner(s) at the time it was so assess, the lien shall continue
413 until the same is collected in full. In the case of a life estate, the interest of the life tenant shall first be liable for the
414 payment of any taxes so levied. Such lien shall have preference and priority to all other liens on such real estate as
415 aforesaid, created, or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the
416 attaching of such lien for taxes.
- 417 c. Due Date; Deposit. All taxes shall be deemed levied, and shall be due and payable at and from the time the tax rate is
418 set under §21. All taxes, when and as collected by the Chief Financial Officer, shall be paid to or deposited to the credit of
419 the Town, in such financial institutions as directed by the Mayor and Council.
- 420 d. Place of Payment. All taxes shall be payable at the Town Office of the Town during the regular business hours of that
421 office.
- 422 e. Senior Discount/Exemption. The Mayor and Council may, by ordinance, establish a tax exemption of any town resident
423 who has reached such age as the Mayor and Council shall determine by Ordinance and who meets such other qualifications
424 as the Mayor and Council may establish which will exempt such resident from town property tax for assessments up to
425 \$10,000.00.
- 426 f. Discount for Prompt Payment; Penalty for late Payment; Collection Fee. To all Taxes paid on or before June 1st next
427 following the levy, there shall be applied a discount as established, from time to time, by Resolution of the Mayor and
428 Council. On all taxes paid on or after September 30 of each year, there shall be added a penalty to be determined by
429 Council for each month or fraction thereof such taxes shall remain unpaid, said penalty to be effective on the thirtieth day
430 of September, and said penalty shall be collected in the same manner as the original amount of the tax. The Mayor and
431 Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid on
432 September 30th of each year shall be considered delinquent. In effecting a collection of any delinquent tax, the Mayor and
433 Council may impose a collection charge reasonably calculated to recover the costs of collection, including all court costs,
434 sale costs, reasonable and necessary out-of-pocket expenses, and reasonable attorneys' fees incurred by the Town in such
435 collection proceedings.

436 **Section 23. Remedies, Powers, and Methods for Collection of Delinquent Taxes and Other Charges Due the Town.**

437 a. Notice Prior to Exercise. Before instituting any legal action for the collection of taxes, written notice of the amount due
438 shall be sent to the taxable at his/her last known address.

439 b. Chief Financial Officer to Have All Powers Conferred Upon Receiver of Taxes of Kent County. In the collection of
440 delinquent taxes (including any and all charges, costs, or other assessments owed to the Town and added to the assessment
441 list), the Chief Financial Officer shall have all of the same powers, remedies, and authority as conferred upon the Receiver
442 of Taxes of Kent County under 9 Del. C. Chapter 87, as the same may from time to time hereafter be amended, or in
443 accordance with any future corresponding provision of law.

444 **Section 24. Fiscal Year and Budget**

445 a. The fiscal year for the Town shall be as determined by Resolution of the Mayor and Council.

446 b. Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Mayor and
447 Council shall prepare a rough draft of the Town Budget. From this rough draft, the Mayor and Council shall, not later than
448 the regular meeting following the presentation of the rough draft prepared of the Town Budget, prepare the budget
449 containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

450 c. The budget shall contain the following information:

451 1. A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing
452 year;

453 2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements
454 and the condition thereof;

455 3. The amount of the debt of the Town, together with the schedule of maturities of Bond issues;

456 4. An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuing year;

457 5. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing
458 during the year and the amount required for the "Sinking Fund" or "Sinking Funds";

459 6. An estimate of the amount of money to be received from taxes, water rents, sewer service charges, front foot
460 assessments, license fees and all other anticipated income of the Town from any source or sources whatsoever.

461 d. The Mayor and Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

462 **Section 25. Powers of the Town Council**

463 a. Not by way of limitation upon the power vested in the Mayor and Council to exercise all powers delegated by this
464 Charter to the municipal corporation or to the Mayor and Council except as may expressly appear herein to the contrary, but
465 rather by way of enumeration and for purposes of clarity, the Mayor and Council is vested by this Charter with the

466 following powers to be exercised by the Mayor and Council in the interest of good government and the safety, health, and
467 public welfare of the Town, its inhabitants, and affairs, that is to say:

- 468 1. To prevent vice, drunkenness, and immorality;
- 469 2. To provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the
470 Town and its inhabitants;
- 471 3. To prohibit all gaming and fraudulent devices;
- 472 4. To prohibit, restrain, license, or regulate all public sports, exhibitions, shows, parades, productions, circuses or other
473 public performances, amusements, and games;
- 474 5. To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of,
475 prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shall improve, dredge, erect,
476 remove, repair or replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf,
477 dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion
478 thereof in the Town, specify the grade thereof, the materials to be used in the doing thereof and the manner in which
479 the same shall be done; to enter into contracts or agreements for the doing thereof, including contracts or agreements
480 with the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or
481 other public thoroughfare within the Town;
- 482 6. To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or
483 abutting owners;
- 484 7. To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent,
485 sign, post, or any other erection or projection in, over, upon, or under any street, highway, alley, lane, water course,
486 park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline of the Town;
- 487 8. To define, prevent, abate or remove nuisances, obstructions, or any other conditions to the public safety, health or
488 welfare;
- 489 9. To provide an ample supply of pure water for the Town and its inhabitants and to this end, acquire, lease, erect,
490 construct, maintain, operate, extend, enlarge, renew, replace, control, and dispose of wells, reservoirs, pumps,
491 machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or
492 about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for
493 what public or private purposes the water furnished by the Town may be used, the manner of its use, the amounts to be
494 paid by the users thereof, the means whereby such amounts shall be collected, and the fines or penalties, or both, for
495 any willful or negligent injury, or damage to or interference with the water system or the equipment, property, or rights

496 of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town
497 limits; and to contract for and purchase water and distribute the same to users inside or outside the Town with the same
498 full powers as though such water had been initially reduced to usefulness by the municipality itself.

499 10. To provide, acquire, construct, extend, maintain, manage, and control a sewer system and/or a sewage treatment
500 and disposal plant and facilities for the health, sanitation, and convenience of the inhabitants of the Town; to regulate
501 and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to
502 be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for
503 any willful or negligent injury or damage to, or interference with such system, plan, or facilities. To furnish or refuse
504 to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the
505 interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the
506 town; and to contract for and purchase sewer disposal service and resell the same to users within or without the Town
507 with the same full powers as though such service had been initially provided by the facilities thereof of the Town itself.

508 11. To provide, construct, extend, maintain, manage, and control the plan and system, or plants and systems, for the
509 generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for
510 lighting the streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks,
511 public buildings or other public places in the Town, and to this end to acquire, lease, erect, construct, maintain, operate,
512 extend, enlarge, renew, replace, control, and dispose of transmission and distribution lines, pipes, mains and other
513 conveyances for any such current or gas as may be necessarily proper to light the Town, and to furnish proper
514 connections for electric current and gas to the properties of the inhabitants of the Town who may desire the same; to
515 regulate and prescribe for what private or public purpose the current or gas furnished by the Town may be used, the
516 manner of its use, the amount to be paid by the users thereof, the means whereby such amounts are to be collected and
517 the fines or penalties, or both, for any willful or negligent injury or damage to, or interference with the electric or gas
518 system or systems of the Town; to furnish or refuse to furnish electric current or gas from the Town's system or
519 systems, to places and properties outside the Town limits; and to contract for and purchase electric current or gas and
520 distribute the same to users inside or outside the Town with the same full powers as though such current or gas had
521 been initially reduced to usefulness by the Town itself.

522 12. To fully control within the Town the drainage of all water and to that end to alter or change the course and
523 direction of any natural water course, runs or rivulet within the Town; to regulate, maintain, clean and keep the same
524 open, clean, and unobstructed; and to provide, construct, extend, and maintain, manage, and control a surface water
525 drainage system and facilities for the health, sanitation and convenience for the inhabitants of the Town.

- 526 13. To provide, acquire, construct, extend, maintain, manage, and control jetties, bulkheads, embankments, flood
527 gates, piers, or fills for the preservation of any strand or high land within the limits of the Town and contiguous thereto
528 to the end that the same may be preserved, property protected, that the general public might enjoy the use thereof.
- 529 14. To grant franchises or licenses to any responsible person(s), firm, association or corporation for such period of
530 time, upon such terms, restrictions, stipulations and conditions, and for such considerations as the Mayor and Council
531 shall deem in the best interest of the municipality, to use the present and future streets, highways, lanes, alleys, water
532 courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks and other public places of the town for the purpose
533 of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, television, railroad
534 excepting railroads or railways engaged in Interstate Commerce, bus, taxi or other transportation, carrier or public
535 service to the Town, unto the persons, firms or corporations residing or located therein and for the purpose of
536 transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting
537 wharfs and piers and for the purpose of vending any article or merchandise upon or from any vehicle upon any present
538 and future street, highway, lane, alley, etc.; provided that no exclusive franchise or license shall be granted for any such
539 purpose to any person, firm, association, or corporation except that an exclusive license for sewer and/or water services
540 may be granted to The Camden-Wyoming Sewer and Water Authority, a body politic existing under Chapter 14 of
541 Title 16 of the Delaware Code.
- 542 15. To regulate and control the exercise of any license or franchise mentioned in Section 3131 of this Charter, or
543 intended so to be;
- 544 16. To direct, regulate, and control the planting, rearing, treating and preserving of ornamental shade trees in the
545 streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of
546 said trees;
- 547 17. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces, or parcels of
548 ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements
549 authorized by this Charter;
- 550 18. To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues;
- 551 19. To regulate, control or prevent the use or storage of gunpowder, fireworks, tar, pitch, resin, and all other
552 combustible materials and use the of candles, lamps, and other lights in stores, shops, stables, and other places; to
553 suppress, remove or resecure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous
554 in causing fires;

555 20. For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of
556 building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the
557 granting of permits for the same; to establish a building line for buildings to be erected; to zone or district the Town
558 and make particular provisions for particular zones or districts with regard to building or building material; and
559 generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns by virtue
560 of Chapter 3 of Title 22 of the Delaware Code.

561 21. To acquire, build, erect, and maintain a suitable place as a lock-up or jail for the Town which shall be used as a
562 place of detention for persons convicted of violation of law or Ordinance, or for detention of persons accused of
563 violation of law or Ordinance for a reasonable time in cases of necessity prior to hearing and trial; and to provide for
564 the restraint, support, and employment of paupers, beggars, and vagrants; provided that any correctional institution
565 located in Kent County may be used for any such purpose;

566 22. To acquire, build, erect, and maintain buildings and facilities as necessary or required for housing and equipping
567 the offices of the Town;

568 23. To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other
569 devices for discharging missiles which may cause bodily injury or injury or harm to property; and to regulate or
570 prevent the use of fireworks, bombs, and detonating works of all kinds;

571 24. To provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both; not
572 exceeding \$500.00 or 60 days, or both.

573 25. To provide for the organization of a fire department and the control and government thereof; to establish fire limits
574 and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Mayor and
575 Council to contribute, donate or give an amount unto any volunteer fire company or companies incorporated under the
576 laws of the State of Delaware, or any volunteer fire association or associations maintaining and operating fire fighting
577 equipment and service to the Town; provided that any such contribution, donation or gift may be made subject to such
578 conditions and stipulations as to the use thereof as the Mayor and Council shall deem advisable;

579 26. To purchase, take, and hold real and personal property when sold for any delinquent tax, assessment, water rent,
580 electric bill, license fee, tapping fee, charge growing out of the abatement of nuisances and the like, laying out and
581 repairing sidewalks, curbs or gutters, or other charges due the Town and to sell the same;

582 27. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located
583 thereon;

584 28. To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of the Town to
585 be used for any and all municipal purposes;

586 29. To levy and collect taxes upon all telephone, telegraph, power poles, pipelines, rail lines, or other constructions or
587 erections of a like character erected within the limits of the Town, together with the wire or other appliances thereto or
588 thereon attached; expressly excepting all telephone, telegraph, power lines or poles, and rail lines owned or operated by
589 any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any
590 time direct the same to be included in or added to the Town assessment. In case the owner or lessee of such
591 construction or erection wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to
592 the remedies provided for the collection thereof set forth in Section 29 of this Charter, the Mayor and Council shall
593 have the authority to cause the same to be removed;

594 30. To license, tax, and collect fees annually for any and all municipal purposes (including the cost and expense of
595 advertising the Town) of such various amounts as the Mayor and Council from time to time shall fix from any
596 individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the
597 limits of the Town; provided, however, that nothing contained herein shall be so construed as to make it mandatory
598 upon any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown
599 upon a farm owned by the vendor or any member of his/her family with whom he/she resides;

600 31. The Mayor and Council may, by ordinance, establish and collect a realty transfer tax not to exceed the rate of one
601 and one-half percent (1.5%) of the value of property in conformance with the definitions and exceptions from the realty
602 transfer tax as contained within Chapter 54 of Title 30 of the Delaware Code.

603 32. To determine from which authorized source and in what proportion taxes shall be levied and used each year to
604 raise the revenue or funds required to meet the general expenses of the Town and all funding, amortization, and interest
605 requirements on its outstanding bonds or other indebtedness;

606 33. To provide for the collection of and disbursements of all moneys to which the Town may become entitled by law,
607 including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided in
608 this Charter;

609 34. To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of
610 the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and
611 credit of the Town or such other security or securities as the Mayor and Council shall selected for the payment of the
612 principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness
613 issued by the Town shall be exempt from all state, county, or municipal taxes; provided, however, that in no event shall

614 the indebtedness of the Town for any and all purposes at any one time exceed in the aggregate twenty-five percent
615 (25%) of the assessed value of all real estate in the Town subject to the assessment for the purpose of levying the
616 annual tax hereinbefore mentioned;

617 35. To acquire, and/or vacate the use of land tenements, personalty, property, easements, rights of way, or any interest
618 in property, either inside or outside the limits of the Town, by way of condemnation and eminent domain for any
619 proper and lawful municipal purpose or whenever required properly to carry out, exercise, or fulfill any power
620 conferred upon or delegated to the Town by this Charter. Proceedings by way of condemnation in any case shall be as
621 prescribed in Chapter 61 of Title 10 of the Delaware Code.

622 36. To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from
623 any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of
624 emergency;

625 37. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee charge, or other amount
626 due the Town by the performance of labor or service for the Town by any person(s) owing the same;

627 38. To inquire into and investigate the conduct of any officer, agent or employee of the Town or any municipal affair
628 and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance
629 of witnesses and the production of books, papers, or other evidence by subpoena;

630 39. To establish by Ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan, or
631 both, for the employees of the Town under such terms and conditions as the Mayor and Council, in their discretion,
632 may deem most appropriate; provided, however, that any annual appropriation which is made by the Mayor and
633 Council under any Pension Plan or any Health and Welfare Plan, or both, shall not exceed a maximum of fifteen
634 percent (15%) of the total annual payroll of the Town; and provided further, that the method of funding may, if deemed
635 desirable by the Mayor and Council, be accomplished through an insurance company licensed by the State of Delaware
636 or authorized to do business in the State and approved by a majority of the members of the Mayor and Council;

637 40. To contract with any municipality, county, the State or any agency or instrumentality thereof, for cooperation in
638 the maintenance and operation of police, trash collection or other municipal services which under this Charter the
639 Town individually may perform and to participate in such commissions as the Mayor and Council may deem necessary
640 to carry into effect such cooperative arrangements;

641 41. To make, adopt and establish all such Ordinances, regulations, rules, and by-laws not contrary to the laws of this
642 State and the United States as the Mayor and Council may deem necessary to carry into effect any of the provisions of
643 this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper

644 and necessary for the good government of the Town, the protection and preservation of persons and property, and of
645 the public health and introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the
646 same shall apply not only within the corporate limits of the town but as well to all areas and persons outside the Town
647 within one (1) mile from said limits.

648 **Section 26. Streets and Alleys**

649 a. **Power to Lay Out, Locate, Open, Widen, Alter, Close, Vacate or Abandon.** The Mayor and Council shall have the
650 power and authority to lay out, locate, and open new streets or alleys, or to widen or alter existing streets or alleys, or parts
651 thereof, and to close, vacate, or abandon existing or proposed streets or alleys or parts thereof, whenever the Mayor and
652 Council shall deem it in the best interest of the Town.

653 b. **Initiation of Proceedings.** The procedures set forth in this Charter to lay out, locate, open, widen, alter, close, vacate,
654 or abandon a street or alley in the Town may be commenced by Resolution of the Mayor and Council.

655 c. **Resolution Proposing Change: Notice; Hearing.** Any such Resolution shall contain a description of the proposed
656 change and shall fix a time, date, and place when the Mayor and Council shall sit to hear comments and objections
657 concerning the proposal. At least 14 (fourteen) days before the date set for such hearing, the Resolution adopted by the
658 Mayor and Council shall be printed in a newspaper having a general circulation in the Town and shall be posted in five (5)
659 public places in the Town.

660 d. **Notice to Affected Property Owners.** The Mayor and Council shall cause to be sent, certified mail, return receipt
661 requested, to the owner(s) of record of the real estate through, over, or abutting which such street or alley may run. Notice
662 to one do-owner shall be effective as to all. If the address of the owner be unknown, a copy shall be delivered to any
663 persons occupying the premises, or if none, posted thereon. Notice to affected property owners under this §26.d shall be
664 provided at least fourteen (14) days before the date set for the hearing.

665 e. **Hearing.** At the time and place in the Resolution, the Mayor and Council shall hear such residents or taxables of the
666 Town or owners of the property affected thereby, as shall attend the hearing. After hearing all comments, the Mayor and
667 Council shall, at said meeting, or at a subsequent date, as they may deem proper, adopt a Resolution to proceed with, or
668 abandon, the proposed locating, laying out, widening, altering, closing, vacating, or abandoning of any street (s) or alley (s)
669 or parts thereof contemplated in its aforementioned prior Resolution. The Mayor and Council shall, within five (5) days
670 following the adoption of the aforesaid Resolution, cause a copy of such Resolution to be provided to all affected property
671 owners in the same manner as the notice provided under §26.d.

672 f. **Payment of Compensation; Acquisition of Title.**

- 673 1. **Where lands taken.** Whenever the Mayor and Council determine to proceed with the opening of a new street or
674 alley, or the widening of an existing street or alley, the Town may acquire title to the lands necessary in accordance
675 with 29 **Del. C.** Chapter 29 by negotiation and purchase or by condemnation in accordance with the provisions of 10
676 **Del. C.** Chapter 61, as hereafter amended or in accordance with any future corresponding provisions of law.
- 677 2. **Where street or alley closed, vacated, or abandoned.** Whenever the Mayor and Council determined to proceed
678 with the closing, vacating, or abandoning of any existing street or alley, or any part thereof, no compensation shall be
679 paid to any property owner unless such closing, vacating, or abandoning deprives a property of all reasonable vehicular
680 access directly between any public street or public alley and an existing garage, carport, or improved off-street parking
681 area located on such property such that the property owner effectively loses the use thereof for off-street parking and/or
682 temporary storage of motor vehicles. Any property owner claiming such deprivation shall notify the Town in writing
683 of such claim within fifteen (15) days of the Resolution adopted pursuant to §26.e. Upon receipt of such notice, the
684 Mayor and Council shall proceed to pay compensation for such damages in the same manner as in §26.f.1.
- 685 3. **Disposal of abandoned and Vacated Street Lands.** Whenever the land comprehended or included in any street or
686 alley or part thereof is vacated or abandoned under this section be owned by the Town, the Mayor and Council may, in
687 their discretion, sell such land at public or private sale and for such consideration as the Mayor and Council shall deem
688 proper; provided that such lands shall first be offered equally to the owners abutting on each side. The Mayor and
689 Council shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title
690 thereto for whatever estate the Town may have therein.
- 691 4. **“Street” Defined.** For all purposes of this §26, the word “street” shall be deemed and held to comprehend the
692 entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other
693 highways owned by, titled in the name of, or under the jurisdiction and control of the Town. “Street” shall not include
694 any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of
695 Transportation (or any successor state agency).

696 **Section 27. Constructing, Paving, and Repairing of Streets**

697 The Mayor and Council shall have full power and authority to re-grade, re-surface, redress and otherwise repair and rebuild
698 all existing streets, lanes, alleys and other public thoroughfares in the Town and to construct, build, pave, and in any
699 manner improve all new and existing streets, lanes, alleys, and other public thoroughfares now open or to be hereafter
700 opened for public use in the Town, and in so doing, may employ such contractors, engineers, inspectors, and others as the
701 council shall deem expedient. To this end, the Mayor and Council shall have full power and authority to enter into
702 contracts or agreements with the Delaware Department of Transportation, or any successor agency, for the construction, or

703 permanent or temporary maintenance, repair and upkeep, of any street, lane, alley, highway, or other public thoroughfare
704 within the Town limits.

705 **Section 28. Sidewalks, Gutters, and Curbs**

706 The Mayor and Council shall have the authority to adopt ordinances governing the installation, construction, improvement,
707 repair, replacement, or removal of any sidewalk, curb, or gutter located in any public street or alley, or on private property
708 abutting any public street or alley, or any portion thereof. Such ordinance may require the owner(s) of any private lands
709 upon which, or abutting which, such sidewalk, curb, or gutter is located to: (a) permit the Town (or its agents or
710 contractors) to go upon their private lands to perform such work, (b) pay all or such part of the Town's cost to perform such
711 work as reasonably and equitably determined by the Town, or (c) perform such work as required by the Town, in
712 accordance with standards and specifications established by the Town, at their own expense. Such ordinance shall provide
713 for the following:

714 a. Resolution. The Mayor and Council shall adopt a Resolution describing the work proposed to be done and identifying
715 the streets or alleys, or portions thereof, in, on, along, or abutting which such sidewalks, curbs, or gutters are located. Such
716 Resolution shall identify the property address and owner of each property on, adjoining, along, or in front of which said
717 proposed work will take place, and the amount, if any, proposed to be assessed against such property for such work. Such
718 Resolution shall establish a date, place, and time for the holding of a public hearing to receive public comment on the
719 proposed work and assessments. At least fourteen (14) days prior to the hearing, such Resolution shall be published in a
720 newspaper of general circulation in the Town, posted in five (5) public places in the Town, and mailed or delivered to all
721 affected property owners at their address as shown on the Town's tax records.

722 b. Determination to Proceed. At the conclusion of such public hearing, or at a subsequent regular or special meeting, the
723 Mayor and Council shall decide whether or not to proceed with all or any portion of the improvements referred to in said
724 Resolution, and if it shall determine to proceed, the Mayor and Council shall determine whether the whole or some
725 specified portion of the costs thereof shall be assessed to the owners of those properties upon which, adjoining, along, or in
726 front of which said proposed work will take place. The amount to be paid by the owner of each parcel for their property
727 affected shall be determined according to the lineal footage or their parcel(s) upon which, adjoining, along or in front of
728 which the improvement or improvements are made.

729 c. Property Owner's Option to Perform Work at Property Owner's Expense. The Mayor and Council may, but shall not be
730 required to, provide the affected property owners the option to have the work done at their own expense, utilizing their own
731 contractor or the Town's contractor in accordance with all Town standards and specifications. In such event, any property
732 owner electing to do so shall have all work completed to the satisfaction of the Town within such period of time (not

733 exceeding one year) as specified by the Town in writing. In the event the property owner declines the option to have the
734 work done at the property owner's expense, or, having elected that option, fails to do so, the Town may immediately
735 proceed to have the work properly completed by the Town's staff and/or agents or contractors and assess the entire cost
736 thereof against the property owner.

737 d. Notice; Assessment and Collection of Costs; Lien. The Mayor and Council shall give written notice to the owner(s) of
738 each property subject to assessment under §28.b of the work to be done, the amount(s) assessed, the due date for payment,
739 the terms of any payment arrangements offered by the Town, and (if applicable) the property owner's option to have the
740 work performed at his/her expense (specifying the terms that will govern such election). Such notice shall also inform the
741 property owner(s) that if the Town performs the work, the cost thereof shall constitute a lien against the property which
742 may be enforced in the same manner as a tax lien. If such owner or owners shall fail to pay the amount assessed by the date
743 specified in the assessment notice or in accordance with any payment terms offered by the Town, or (if appropriate) shall
744 fail to have such work properly completed by the date specified in the notice and the Town performs the work, such
745 amount(s) together with interest and costs (including reasonable attorney's fees) may be collected by the same procedures
746 as are set forth in this Charter for the collection of taxes. The amount so assessed shall be and constitute a lien upon all the
747 property upon which, adjoining, along, or in front of which the said work was accomplished for a period of ten years from
748 the date of mailing of the notice of assessment. In the case of a life estate, the interest of the life tenant shall first be liable
749 for the payment of any taxes so levied. Such lien shall have preference and priority to all other liens on such real estate as
750 aforesaid, created or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the
751 attaching of such lien for taxes; provided that if the real estate remains the property of the person(s) who was/were the
752 owner(s) at the time it was so assessed, the lien shall continue until the same is collected in full.

753 e. Notice. Whenever written notice is required to be given to any "owner" by this §28, notice to one co-owner shall be
754 notice to all. Notice may be given by mailing same, certified mail, return receipt requested, proper postage affixed, to said
755 owner at his or her last known address as shown on the Town's tax records; provided, however, that the failure of any
756 owner to actually receive such notice (being returned as, among other reasons, "unclaimed", "refused to accept", "moved,
757 no forwarding address") shall not invalidate any action taken under this §28. Notice may also be given by personal delivery
758 to the property owner at the last address shown on the Town's tax records by leaving a copy of such notice with an adult
759 person residing within the premises.

760 f. Change in Ownership. The word "owner" as used in this section shall be deemed to mean the owner(s) of record of the
761 property at the time of the Resolution adopted under §28.a, and any change of ownership thereafter shall not be deemed or
762 held to affect any of the proceedings described in this section.

763 g. Construction Supervision, Standards. The Mayor and Council in exercising the authority granted by this section may
764 employ such contractors, engineers, inspectors and others as the Mayor and Council may deem expedient, and may use or
765 require the use of such materials and substances and such methods of construction as the Mayor and Council shall deem
766 appropriate, in accordance with sound design, engineering, and construction methods.

767 **Section 29. Collections of Monies**

768 a. In the collection of any charges due the town for water rentals, sewer service charges, electric bills, gas bills, license
769 fees, tapping fees, trash assessment from foot assessment, charges growing out of the abatement of nuisances, laying out
770 and repairing paving, graveling, curbing, or any of them, such charges shall become a first lien against all real estate of the
771 delinquent property owners and/or taxpayers situate within the Town, and such charges shall have preference and priority
772 for a period of ten (10) years from the date the charge became due and owing to all other liens on real estate created or
773 suffered by the taxable and property owner, although such other lien or liens be of a date prior to the time for the attaching
774 of such liens for such charges.

775 b. The remedies available to the Chief Financial Officer for the collection of such charges shall be the same as those set
776 forth in this Charter for the collection of delinquent taxes.

777 **Section 30. Borrowing Powers**

778 a. **Short-Term Borrowings by the Mayor and Council without Voter Approval; Limit on Borrowing; Tax Exempt.**

779 The Mayor and Council shall have the power to borrow money on the full faith and credit of the Town without approval of
780 the voters and without regard to the provisions of §30.b or §30.c of this Charter, such sum or sums not exceeding in the
781 aggregate \$500,000, for any municipal or public purpose when, in the opinion of a majority of the Mayor and Town
782 Council, the needs of the Town require it; provided, however, that any new borrowings under this §30.a made after the
783 effective date of this Charter, shall by their terms, be repayable in full within five (5) years of the date of each such
784 borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of indebtedness
785 of the Mayor and Council duly authorized by Resolution of the Town Council and signed by the Mayor and attested by the
786 Town Manager with the town seal affixed. Any sum(s) of money borrowed on the full faith and credit of the Town shall be
787 paid from the general funds of the Town. The aggregate amount of outstanding principal from any such borrowing or
788 borrowings under this §30.a shall at no time exceed \$500,000.

789 b. **Long-Term Borrowings for Certain Projects Without Voter Approval; Public Hearing and Super-Majority Vote**
790 **of Town Council Required.**

791 1. **Limit on Borrowing and Aggregate Indebtedness without Voter Approval; Super-Majority Vote.** Subject to
792 the provisions of this §30.b, the Mayor and Council shall have the power to borrow money on the full faith and credit

793 of the Town for the payment of principal thereof and interest due thereon, without approval of the voters and without
794 regard to the provisions of §30.c of this Charter, such sum or sums not exceeding in the aggregate one million dollars,
795 for those specific municipal purposes specified in §30.b.3, when, in the opinion of at least four (4) members of the
796 Town Council, the needs of the Town require it; provided, however, that any new borrowings under this §30.b made
797 after the effective date of this Act, shall, by their terms, be repayable in full within thirty (30) years of the date of each
798 such borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of
799 indebtedness of the Mayor and Council duly authorized by Resolution adopted by at least four (4) members of the
800 Town Council and signed by the Major and attested by the Town Manager with the town seal affixed. Any sum(s) of
801 money borrowed on the full faith and credit of the Town shall be paid from the general funds of the Town. The
802 aggregate amount of outstanding principal from any such borrowing or borrowings under §30.a and §30.b shall at no
803 time exceed one million dollars.

804 **2. Procedure: Notice, Hearing.** In order to proceed under the power granted in this §30.b, the Mayor and Council
805 shall authorize such borrowing in the following manner:

806 A. The Mayor and Council by Resolution shall give notice to the residents and property owners of the Town that
807 the Mayor and Council propose to borrow a sum of money, not to exceed a stated amount, for a stated municipal
808 purpose authorized under §30.b.3. The Resolution shall state the amount of money desired to be borrowed (which
809 may be stated as a “not to exceed” amount), the purpose for which it is desired, the manner of securing same, and
810 such other facts relating to the loan which are deemed pertinent by the Mayor and Council and in their possession
811 at the time of the passage of the Resolution; and shall fix a time, date, and place for a public hearing on the said
812 Resolution.

813 B.1. Notice of the time, date, and place of the hearing on the Resolution authorizing said loan shall be published in
814 two (2) newspapers of general circulation in the Town not less than fourteen (14) days, nor more than sixty
815 (60) days, prior to the date set for the public hearing. Such notice shall be in bold print or bordered in black
816 so as to call attention thereto. In addition to the time, date, and place of the public hearing, such notices shall
817 contain the same information as required under §30.b.2.A above.

818 2. In addition to publication as herein provided, the Mayor and Council shall, not less than fourteen (14) nor
819 more than sixty (60) days prior to the date set for the hearing, cause a public notice containing the information
820 required above to be posted in at least five (5) public places in the Town. In the event the publications and/or
821 postings do not appear on the same date, the date of the first publication or posting shall control.

822 C. If, at any time following the public hearing, the Mayor and Council determine to proceed with the proposed
823 borrowing, it shall pass a second Resolution, by the affirmative vote of at least four (4) members of the Town
824 Council, to proceed with the proposed borrowing.

825 **3. Municipal Purposes for Which the Mayor and Council May Make Long-Term Borrowings Without Voter**
826 **Approval.** The power and authority of the Mayor and Council to incur long-term indebtedness on the full faith and
827 credit of the Town without voter approval under §30.b shall be limited to the following:

828 A. Erecting, enlarging, repairing, or replacing any plant, building, structure, machinery, or equipment for the
829 production, treatment, collection storage, supply, distribution of water, electricity, sanitary sewage, or storm
830 waters, or any of them, and the condemning or purchasing of any lands, easements, and rights-of-way which may
831 be required therefore.

832 B. Laying out, constructing, paving, widening, or extending streets, lanes, alleys, and public ways, curbs, and
833 gutters, including storm sewers along the same, and the condemning or purchasing of lands, easements, or rights-
834 of-way which may be required therefore.

835 C. Erecting, enlarging, repairing, or replacing any municipal building including, by way of example, a Town Hall,
836 a Police Department Building, a municipal warehouse, and the condemning or purchasing of lands, easements, or
837 rights-of-way which may be required therefore.

838 D. Paying all expenses deemed necessary by the Mayor and Council for the issuance of said bonds or certificates
839 of indebtedness, including bond discount and legal expense of bond counsel.

840 **c. Long-Term Borrowings; Voter Approval Required.** In addition to other borrowing powers granted to the Town
841 under this Charter or by special act, the Mayor and Council shall have the authority to borrow money for any proper
842 municipal purpose through the issuance of bonds or certificates of indebtedness to secure the repayment thereof, on
843 the full faith and credit of the Town for the payment of principal thereof and interest due thereon.

844 **1. Proper Municipal Purpose.** By way of illustration and not in limitation, “any proper municipal purpose” includes,
845 but is not limited to:

846 A. Erecting, extending, enlarging, maintaining, repairing, or replacing any plant, building, structure, machinery, or
847 equipment for the production, treatment collection, storage, supply, distribution or disposal of water, electricity,
848 sanitary sewage, or storm waters, or any of them, and the condemning or purchasing of any lands, easements, and
849 rights-of-way which may be required therefore.

- 850 B. Laying out, constructing, paving, widening, or extending streets, lanes, alleys, and public ways, curbs, and
851 gutters, including storm sewers along the same, and the condemning or purchasing of lands, easements or rights-
852 of-way which may be required therefore.
- 853 C. Erecting, enlarging, repairing, or replacing any municipal building including, by way of example, a Town Hall,
854 a Police Department Building, a municipal warehouse, and the condemning or purchasing of lands, easements, or
855 rights-of-way which may be required therefore.
- 856 D. Constructing, laying out, widening, extending, repairing, and maintaining boardwalks, piers, jetties, bulkheads,
857 dams, sidewalks, crosswalks, or embankments, or any of them, and the condemning or purchasing of any lands,
858 easements, or rights-of-way which may be required therefore.
- 859 E. Defraying the costs to the Town of any other municipal improvement provided for or authorized or implied by
860 the provisions of this Charter.
- 861 F. Paying all expenses deemed necessary by the Mayor and Council for the issuance of said bonds or certificates
862 of indebtedness, including bond discount and legal expenses of bond counsel.
- 863 2. **Limit of Aggregate Indebtedness.** In no event shall the total outstanding indebtedness of the Town, authorized by
864 §30.a, §30.b, and §30.c at any one time exceed, in the aggregate twelve percent (12%) of the assessed valuation of all
865 real property within the corporate limits of the Town and subject to assessment for the purpose of levying the annual
866 town taxes as provided in this Charter.
- 867 3. **Procedure: Notice, Hearing, Election.** In order to proceed under the power granted in this §30.c, the Mayor and
868 Council shall authorize such borrowing in the following manner:
- 869 A. The Mayor and Council by Resolution shall give notice to the residents and property owners of the Town that
870 the Mayor and Council proposes to borrow a sum of money, not to exceed a stated amount, for a stated municipal
871 purpose. The Resolution shall state the amount of money desired to be borrowed (which may be stated as a “not to
872 exceed” amount), the purpose for which it is desired, the manner of securing same, and such other facts relating to
873 the loan which are deemed pertinent by the Mayor and Council and in their possession at the time of the passage of
874 the Resolution; and they shall fix a time, date, and place for a hearing on said Resolution.
- 875 B. 1. Notice of the time, date, and place of the hearing on the Resolution authorizing said loan shall be published
876 in two (2) newspapers of general circulation in the Town not less than fourteen (14) days, nor more than sixty
877 (60) days, prior to the date set for the public hearing. Such notice shall be in bold print or bordered in black
878 so as to call attention thereto. In addition to the time, date, place of the public hearing such notices shall
879 contain the same information as required under §30.c.3.A above.

880 2. In addition to publication as herein provided, the Mayor and Council shall, not less than fourteen (14) days,
881 nor more than sixty (60) days prior to the date set for the hearing, cause a public notice containing the
882 information required above to be posted in at least five (5) public places in the Town. In the event the
883 publications and/or postings do not appear on the same date, the date of the first publication shall control.

884 C. If, at any time following the public hearing, the Mayor and Council determine to proceed with the proposed
885 borrowing, it shall pass a second Resolution ordering a special election to be held, upon not less than fourteen (14)
886 days nor more than sixty (60) days' public notice, for the purpose of voting for or against the proposed borrowing.
887 The passage of the second Resolution shall ipso facto be considered a determination by the Mayor and Council to
888 proceed with the matter in issue; provided however, that the Mayor and Council may, at any time subsequent
889 thereto, and based upon a significant change in the relevant circumstances, act by Resolution to cancel the Special
890 Election and abandon the proposed borrowing.

891 D. 1. The notice of the time and place of holding the said Special Election shall be printed in two (2) newspapers
892 of general circulation in the Town, not less than fourteen (14) days nor more than sixty (60) days before the
893 time set out in §30.c.3.(A). Such notice shall be in bold print or bordered in black so as to call attention
894 thereto.

895 2. In addition to such publication as herein provided, the Mayor and Council shall, not less than fourteen (14)
896 days nor more than sixty (60) days before the date set for the election, cause public notice, containing the
897 information set out in §30.c.3.D(1) above (using the date of "posting" for date of "publication"), to be posted
898 in at least five (5) public places in the Town. In the event the publications and/or postings do not appear on the
899 same date, the date of the first publication or posting shall control.

900 3. At such special election, any person(s) or artificial entity(s) (e.g., partnership, corporation, limited liability
901 company) owning record title to real property in the Town shall be entitled to cast one vote (but not more than
902 one vote shall be cast for any one property); and any resident of the Town who does not own record title to
903 real property in the Town who would be entitled to vote in the annual Town election if it were held on that
904 day, shall be entitled to one vote. (For purposes of this section, "entitled to vote" shall include "registered to
905 vote" if voter registration is required for the annual town election.)

906 4. Any natural person entitled to vote may cast his/her vote by a duly executed and acknowledged power of
907 attorney. Any legal entity (other than a natural person) entitled to vote must cast its vote by a duly executed
908 and acknowledged power of attorney. Such Power of Attorney shall be surrendered to the Board of Special
909 Elections which shall file same in the Office of the Town Manager. Such Power of Attorney so filed shall

910 constitute conclusive evidence of the right of said person to vote in the Special Election on behalf of the
911 person or legal entity granting the power.

912 5. Any Special Election held pursuant to the provisions of this section shall be conducted by voting machines,
913 electronic voting systems, or printed ballots as permitted by law which shall have the following designation:

914 For the proposed borrowing

915 Against the proposed borrowing

916 The voter shall be instructed to mark the box for which he/she casts his/her vote. The Mayor, by and with the
917 advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of
918 Special Elections. The polling places shall be opened for a minimum of six (6) hours as specified by
919 Resolution of the Mayor and Council. Persons in the polling place at the time appointed for closing of the
920 polls shall be entitled to vote.

921 E. The Board of Special Elections shall be the sole and final judges of the legality of votes offered at such special
922 election. It shall keep a true and accurate list of all persons voting. It shall count the votes for and against the
923 proposed borrowing and shall announce the result thereof. The Board of Special Elections shall make a certificate
924 under their hands of the number of votes cast for and against the proposed borrowing and the number of void votes
925 and shall deliver the same to the Mayor and Council which said certificate shall be retained by the Mayor and
926 Council with the other papers of the Town.

927 F. If a majority of the votes cast at such special election shall be in favor of such borrowing the Mayor and
928 Council shall proceed with the issuance of the said bonds or certificate of indebtedness; provided, however, that
929 the Mayor and Council may, at any time prior to entering into a binding agreement for the public or private sale of
930 such bond(s) or evidence(s) of indebtedness, abandon the proposed borrowing.

931 **d. Refunding Bonds or Certificates of Indebtedness.** The Mayor and Council may, by Resolution adopted by a simple
932 majority of the entire Town Council, authorize the issuance of bonds or other obligations under §30.a, §30.b, and/or §30.c
933 for the purposes of refinancing any outstanding bonds or obligations of the Town without the necessity of a public hearing
934 or a special election as would otherwise be required under §30.b and/or §30.c, provided that the outstanding principal
935 amount of the refunding bonds or other evidences of indebtedness does not exceed the face amount refunded, plus the cost
936 of refunding (including all bond premiums and transaction fees), and results in a present value savings to the Town.
937 Present value savings shall be determined by using the effective interest rate of the refunding obligations as the discount
938 rate calculated based on the internal rate of return.

939 e. **Provision for Payment: Special Tax, Sinking Fund.** The Mayor and Council shall provide for the payment of interest
940 on and principal of any bonds or certificates of indebtedness issued under §30.a, §30.b, and/or §30.c at the maturity thereof.
941 The said Mayor and Council are authorized and empowered, at its discretion, to levy a special tax upon all the real estate
942 within the Town or only upon such real estate as is directly benefited by the improvements paid for by the proceeds of such
943 borrowing to pay interest on said bonds and/or principal; and, at their discretion, to establish a sinking fund adequate to the
944 redemption, at or before maturity, of all bonds or certificates of indebtedness which may be issued under the provisions of
945 §30.a, §30.b, and/or §30.c; provided, that the amount to be raised under any special tax for this purpose shall not in any one
946 year exceed the total amount necessary to pay all currently due principal amounts of the bonded indebtedness together with
947 all interest currently due thereon within that year, or such amounts as necessary to enable a sinking fund to accomplish its
948 specified purpose. The special tax provided for in this §30.e shall be collected from the owners of real estate in the same
949 manner as the other taxes levied by the said Mayor and Council are collected. The Mayor and Council may also
950 appropriate and set aside for such sinking fund so much of the general funds of said Town as they may from time to time
951 think advisable. The sinking fund provided for by this §30.e shall be deposited in federally insured deposits in a bank, trust
952 company, or other banking institution until such time as it may be needed for the redemption of the bonds.

953 f. **Full Faith and Credit Unless Otherwise Stated.** Unless any such bond(s) or certificate(s) of indebtedness shall
954 provide otherwise, the full faith and credit of the Town shall be deemed to be pledged for the due payment of any bonds or
955 certificates of indebtedness and the interest thereon issued under the provisions of §30.a, §30.b, and/or §30.c when the same
956 shall have been properly executed and delivered for value notwithstanding any other provision of this Charter.

957 g. **Revenue Bonds Without Voter Approval; Public Hearing And Super-Majority Vote of Town Council Required.**

958 1. **Authority to Issue; Super-Majority Vote.** In addition to the power of the Mayor and Council to borrow money
959 and issue bonds or certificates of indebtedness under §30.a, §30b, and/or §30.c, the Mayor and Council shall have the
960 power and authority (subject to the provisions of this §30.g) to borrow money and issue bonds or certificates of
961 indebtedness, and to secure payment thereof, by pledging the revenues derived from the operation of any project for
962 which bonds may be issued pursuant to this §30.g, without the approval of the voters and without regard to the
963 provisions of §30.a, §30.b, and/or §30.c of this Charter when, in the opinion of at least four (4) members of the Town
964 Council, the best interests of the Town will be served thereby; provided, however, that any borrowing under this §30.g
965 shall not obligate the full faith and credit of the Town, but shall be payable solely from the revenues of such project
966 which are pledged, according to the terms of the bonds or certificates of indebtedness issued for the payment thereof.
967 Any bonds or other evidence of indebtedness issued under this §30.g shall be duly authorized by Resolution adopted by
968 at least four (4) members of the Town Council and signed by the Mayor and attested by the Town Manager with the

969 Town seal affixed. Any sum(s) of money borrowed pursuant to this §30.g shall be paid solely from the revenues of the
970 project pledged for the payment thereof and not from the general revenues of the Town. The project to be funded with
971 the proceeds of indebtedness issued under this section may be accomplished by a loan of the proceeds from the bond or
972 certificate of indebtedness from the Town to any for-profit or not-for-profit entity.

973 2. **Purposes.** The funds derived from the sale of bonds issued pursuant to this section may be used for any or all of the
974 following purposes, including incidental expenses incurred in connection therewith:

975 A. The erection, extension, enlargement, purchase, repair, or replacement of any plant, machinery, appliances, or
976 equipment for the supply or manufacture and distribution of electricity or gas for light, heat, or power purposes;
977 for the furnishing of water to the public; or for the furnishing of sanitary sewer collection and treatment services to
978 the public;

979 B. The acquisition, construction, reconstruction, repair, alteration, improvement, extension, financing, or
980 refinancing of any commercial, industrial, agricultural, educational, or healthcare facility, and equipment
981 therefore, to be operated by an for-profit or not-for-profit entity;

982 C. The purchase of land in the planning and development, including construction, erection, or installation of
983 buildings for an industrial complex or office park when the land or buildings or both, at the discretion of the
984 Mayor and Council, may be sold or leased by the Town to private enterprise where such buildings are all-purpose
985 buildings suitable for sale or rental for general manufacturing use or office use or general retail use or any
986 combination thereof.

987 D. All transaction costs, redemption premium, interest during construction, and working capital for any project
988 described in sub-sections (A) through (C) above.

989 E. The refunding, from time to time, of any bonds issued pursuant to the provisions of this §30.g by the issuance
990 of new bonds, whether the bonds to be refunded have or have not matured, or be subject to redemption, and the
991 Mayor and Council may issue new bonds (pursuant to this §30.g) in sufficient amounts to provide:

- 992 (i) The principal amount of the obligations being refunded;
- 993 (ii) Any applicable redemption premiums thereon;
- 994 (iii) unpaid interest on such obligations to the date of delivery of the refunding bonds and interest to accrue
995 on such obligations being refunded from the date of delivery of the refunding bonds to the first of any
996 subsequently available redemption date or dates selected by the Mayor and Council; and
- 997 (iv) Any expenses, including bond discount, deemed by the Mayor and Council to be necessary for the
998 issuance of the refunding bonds.

999 3. **Procedures: Notice, Hearing.** In order to proceed under the power granted in this §30.g, the Mayor and Council
1000 shall authorize such borrowing in the following manner:

1001 A. The Mayor and Council by Resolution shall give notice to the residents and property owners of the Town that
1002 the Mayor and Council propose to borrow a sum of money, not to exceed a stated amount, for a stated project
1003 pursuant to this section. The Resolution shall state the amount of money desired to be borrowed (which may be
1004 stated as a “not to exceed” amount), the purpose for which it is desired, the manner of securing same, the fact that
1005 the full faith and credit of the Town is not pledged as security, and such other facts relating to the loan which are
1006 deemed pertinent by the Mayor and Council and in their possession at the time of the passage of the Resolution;
1007 and they shall fix a time, date, and place for a hearing of said Resolution.

1008 B. 1. Notice of the time, date, and place of the hearing on the Resolution authorizing said loan shall be published
1009 in two (2) newspapers of general circulation in the Town not less than fourteen (14) days, nor more than sixty
1010 (60) days, prior to the date set for the public hearing. Such notice shall be in bold print or bordered in black so
1011 as to call attention thereto. In addition to the time, date, and place of the public hearing such notices shall
1012 contain the same information as required under §30.g.3.A above.

1013 2. In addition to publication as herein provided, the Mayor and Council shall, not less than fourteen (14) days
1014 nor more than sixty (60) days prior to the date set for the hearing, cause a public notice containing the
1015 information required above to be posted in at least five (5) public places in the Town. In the event the
1016 publications and/or postings do not appear on the same date, the date of the first publication or posting shall
1017 control.

1018 C. If, at any time following the public hearing, the Mayor and Council determine to proceed with the proposed
1019 borrowing, it shall pass a second Resolution, by the affirmative vote of at least four (4) members of the Town
1020 Council, to proceed with the proposed borrowing.

1021 4. **Disclaimer.** The issuance of bonds or other certificates of indebtedness pursuant to this §30.g shall not constitute a
1022 debt of the Town nor a pledge of its credit or taxing power and such bonds or certificates of indebtedness shall contain
1023 on the face thereof a statement to the following effect:

1024 “Neither the faith and credit nor the taxing power of The Town of Camden is pledged to the payment of the
1025 principal of, premium, if any, or interest on the Bond (Certificate of Indebtedness), nor is The Town of Camden in
1026 any manner obligated to make any appropriation for payment thereof.”

1027 5. **Provisions of Resolution May be Part of Contract.** Any Resolution or Resolutions authorizing any bonds or
1028 certificates of indebtedness under this §30.g may contain provisions which shall be part of a contract with the holders

1029 of the bonds thereby authorized as to any matter relating to the repayment of the bonds or certificates of indebtedness,
1030 the security therefore, the operation of the project, and any other matter or course of conduct that affects the foregoing.

1031 **6. No Limit on Amount; Not Counted towards Town's Maximum Indebtedness.** There shall be no limitation on
1032 the amount of bonds to be issued pursuant to this §30.g and the indebtedness created by any bonds or certificates of
1033 indebtedness created by the Town pursuant to this §30.g shall not be used in computing the maximum indebtedness
1034 which may be created by the Mayor and Council under §30.a, §30.b, or §30.c; nor shall the Town be required to levy
1035 taxes to pay the principal of or interest on any indebtedness created by this §30.g.

1036 **7. Disposition of Property Acquired Through Revenue Bonds; Application of Proceeds.** At its discretion, the
1037 Mayor and Council may dispose of any real property and any personal property acquired by the issuance of bonds or
1038 certificates of indebtedness issued pursuant to this §30.g to a private individual, firm, or corporation at public or
1039 private sale, for cash or on credit, and under such other terms and conditions as the Mayor and Council may deem to be
1040 in the best interest of the Town without regard to any other provision of this Charter; provided that the revenue
1041 received from any such disposition shall be used to retire any outstanding bonds or certificates of indebtedness under
1042 this §30.g , but if none be outstanding, the revenue derived from such disposition may be used for any municipal
1043 purpose.

1044 **h. Form of Bonds.** The form of the bonds or certificates of indebtedness authorized under §30.a, §30b, §30.c and or §30.g
1045 and the thereunto attached coupons, if any, the time or times of payment, the interest rate, the classes, the series, the
1046 maturity, the registration, any callable or redeemable feature, the denomination, the name thereof, and any other relative or
1047 appurtenant matter pertaining thereto shall all be determined by the Mayor and Council after the final action required to
1048 authorize the issuance of such bonds or certificates of indebtedness has been completed (i.e., a majority vote of the Mayor
1049 and Council under §30.a; a super-majority vote following the holding of a public hearing under §30.b, or §30.g; or a
1050 favorable vote of those natural persons and legal entities entitled to vote following the public hearing and special election
1051 procedures under §30.c).

1052 **i. Council Members Not Liable.** Neither the Mayor, nor any member of the Town Council, nor any person executing any
1053 bonds or other obligations issued pursuant to §30.a, §30.b, §30.c, and/or §30.g, shall be personally liable on the bonds or
1054 other obligations, or be subject to any personal liability or accountability by reason of the issuance thereof, provided that
1055 he/she is authorized to act by Resolution of the Mayor and Council.

1056 **j. Exempt From Taxation.** All bonds or other kinds or forms of certificates of indebtedness issued by the Town pursuant
1057 to the provisions of §30.a, §30.b, §30.c, and/or §30.g, and the interest thereon, shall be exempt from taxation by the State of
1058 Delaware or by any political subdivision or agency thereof. Any property acquired and held by the Town from the

1059 proceeds of bonds or certificates of indebtedness issued pursuant to §30.a, §30.b, §30.c, and/or §30.g shall be exempt from
1060 taxation by the State of Delaware or any political subdivision thereof.

1061 k. **Public or Private Sale.** Any bonds or certificates of indebtedness authorized under §30.a, §30.b, §30.c, and/or §30.g
1062 may be sold or issued at either public or private sale. If the bonds shall be offered for public sale, they shall be sold to the
1063 best and most responsible bidder(s) therefore after advertisement in a manner to be prescribed by the Mayor and Council
1064 for at least fifteen (15) days before offering the same for sale. All bonds or certificates of indebtedness issued pursuant to
1065 §30.a, §30.b, §30.c, and/or §30.g shall be deemed to be legal instruments by any bank, trust company, insurance company,
1066 executor, administrator, curator, trustee, or other fiduciary.

1067 l. **Statute of Limitations: 60 Days.** No action contesting any proceedings conducted, or action taken, by the Mayor and
1068 Council hereunder regarding the authorization of any bonds or certificates of indebtedness issued under this §30 shall be
1069 brought after the expiration of sixty (60) days from the publication of a notice in at least two (2) newspapers, one (1) of
1070 which shall be of general circulation in the Town and one of which shall be of general circulation in the State of Delaware,
1071 which notice shall announce the following information:

- 1072 1. That the Mayor and Council has determined to borrow a certain sum of money and to issue bonds or certificate of
1073 indebtedness therefore;
- 1074 2. That the proposal has been approved (as appropriate) by the Mayor and a majority of the Town Council (if the
1075 borrowing has proceeded under §30.a), by a super-majority of the Town Council (if the borrowing has proceeded under
1076 §30.b or §30.g), or by a majority of those casting votes at a special election in the Town called for the purpose of
1077 voting for or against the borrowing (if the borrowing has proceeded under §30.c);
- 1078 3. The amount of money to be borrowed, which may be stated as a “not-to-exceed” amount;
- 1079 4. The purpose for which it is to be borrowed;
- 1080 5. The security for such borrowing;
- 1081 6. That any person desiring to challenge the authorization of such bond(s) or certificate(s) of indebtedness must bring
1082 his/her action within sixty (60) days from the date of publication of such notice or forever be barred from doing so;
- 1083 7. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto. In addition to
1084 publication as herein provided, the Mayor and Council shall cause a public notice, containing the information set out in
1085 subsections 1. through 6. above (using date of “posting” for date of “publication”) to be posted in at least five (5) public
1086 places in the Town. In the event the publications and/or postings do not appear on the same date, the date of the first
1087 publication or posting shall control.

1088 **Section 31. Proceedings against The Town**

1089 No action, suit or proceeding shall be brought or maintained against the Town for damages, either compensatory or
1090 punitive, on account of any physical injuries, death, or injury to property by reason of the negligence, simple, gross, or
1091 willful, or wanton of the Town or any of its departments, officers, agents, servants or employees unless the person by or on
1092 behalf of whom such claim or demand is asserted, within one year from the happening of said injury or the suffering of
1093 such damages shall notify the Town in writing of the time, place, cause, character and extent of the injury sustained or
1094 damages suffered. Such notice shall be directed to the Mayor by certified mail with return receipt requested and postage
1095 prepaid.

1096 **Section 32. Compilation of Ordinances, Etc.**

1097 It shall be the duty of the Mayor and Council at reasonable time or times to compile the ordinances, current regulations,
1098 orders and rules of the Town. The Mayor and Council shall have a reasonable number of copies printed for the use of the
1099 officials of the Town and for public information. From time to time, upon the enactment of new ordinances, currents, rules,
1100 and regulations, or upon the enactment of amendments to the same, the Mayor and Council shall enroll the same in the
1101 minutes of the Town Council and shall keep copies of the same in a book to be provided for that purpose so that the same
1102 may be readily examined. It shall furnish the Mayor copies thereof as they are enacted and there from may cause
1103 supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

1104 **Section 33. Miscellaneous**

- 1105 a. All the powers conferred upon or vested in the Mayor and Council of the Town by any act or law of the State of
1106 Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in the Town
1107 and/or its Mayor and Council precisely as if each of said powers was expressly set forth in this Charter.
- 1108 b. All ordinances adopted by the Mayor and Council and in force at the time of approval, acceptance, and going into effect
1109 of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the Mayor and
1110 Council under the provisions of this Charter.
- 1111 c. All of the acts and doings of the Mayor and Council or of any official of the Town Council which shall have been
1112 lawfully done or performed under the provision of any law of this State or of any ordinance of the Town or under any
1113 provision of any prior Charter of the Town Council prior to the approval, acceptance, and going into effect of this Charter
1114 are hereby ratified and confirmed, unless otherwise provided herein.
- 1115 d. All taxes, assessments, license fees, penalties, fines, and forfeitures due to Mayor and Council or the Town shall be due
1116 the Town and all debts from the Town or the Mayor and Council shall remain unimpaired until paid by the Town.

- 1117 e. All powers granted by this Charter in respect to the collection of taxes, license fees, assessments, or other charges shall
1118 be deemed to apply and extend to all unpaid taxes, license fees, assessments, or other charges heretofore lawfully imposed
1119 by the Mayor and Council.
- 1120 f. The bonds given by or on account of the Mayor or any official of the Town Council shall not be impaired or affected by
1121 the provisions of this Charter.
- 1122 g. All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed to the
1123 extent of any such inconsistency.
- 1124 h. If any part of this Charter shall be unconstitutional or invalid by a Court of competent jurisdiction, such holding shall not
1125 be deemed to invalidate the remaining provisions of this Charter.
- 1126 i. This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

SYNOPSIS

This Act reincorporates the Town of Camden. It clarifies the role of the Mayor and Council, also the duties and responsibilities of the Town Manager, updates the Town of Camden Metes and Bounds using the Kent County Recorder of Deeds, brings the municipal elections procedures into compliance with current State law, eliminates Sections no longer allowed by state law, clarifies the Town's borrowing powers which include voter approval and short and long term loan limits.

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