



SPONSOR: Sen. Bunting & Rep. Hocker

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 278

AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW.

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

1 Article I – Incorporation Powers Generally

2 Section 1. Chapter 202, Volume 73, Laws of Delaware, being entitled “An Act to Reincorporate the Town of
3 Ocean View” is hereby repealed together with all subsequent amendments thereto, in their entirety and substituting in lieu
4 thereof a new chapter to read, as follows:

5 “Article I - Incorporation Powers Generally

6 Section 1.101 - Incorporation: Body Corporate.

7 The inhabitants of the Town of Ocean View within the corporate legal limits legally established from time to time
8 are hereby constituted and continued a body corporate by the name of “The Town of Ocean View” with all the privileges of
9 a body corporate by that name to sue and be sued, to plead and be impleaded in any court of competent jurisdiction, to have
10 and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally
11 abrogated.

12 Section 1.102 - Corporate Limits.

13 The courses and distances showing the exact Corporate limits of the Town shall be filed at all times with the
14 Recorder of Deeds for Sussex County.

15 The limits and bounds of the Town of Ocean View, upon the date of adoption of this Charter, are hereby
16 established and declared to be as follows:

17 Beginning at a point, said point being a spike set in the center of Route 26 at the intersection of Route 26 &
18 Assawoman Canal right-of-way which is 150 feet wide; thence from said point of beginning, South 58 degrees, 36 minutes,
19 52 seconds West, 3458.40 feet to a corner monument; thence North 49 degrees, 05 minutes, 14 seconds West, 260 feet to a
20 monument set on the southwest edge of Route 361; thence continuing North 49 degrees, 05 minutes, 14 seconds West,
21 2195.24 feet to a point, a corner of old town boundaries and 1974 annexation; thence with a new annexation line, South 22
22 degrees, 05 minutes, 37 seconds West, 196.85 feet to a point; thence South 39 degrees, 50 minutes, 37 seconds West,

23 1109.00 feet to a point, a corner for lands now or formerly of Charles Kauffman or now or formerly of I. Bennett; thence
24 North 48 degrees, 09 minutes, 23 seconds West, 733.00 feet to a point; thence North 42 degrees, 20 minutes, 37 seconds
25 East, 255.00 feet to a point; thence North 47 degrees, 39 minutes, 23 seconds West, 752.29 feet to a point, being the
26 southeast edge of Route 84; thence continuing North 47 degrees, 39 minutes, 23 seconds West, 62.00 feet to a northwest
27 edge of Route 84; thence following Route 84, the following six (6) courses and distances, South 60 degrees, 55 minutes, 36
28 seconds West, 249.52 feet to a point; thence South 49 degrees, 55 minutes, 36 seconds West, 361.12 feet to a point; thence
29 South 45 degrees, 42 minutes, 16 seconds West, 545.90 feet to a point; thence South 49 degrees, 33 minutes, 16 seconds
30 West, 225.00 feet to a point; thence South 62 degrees, 48 minutes, 16 seconds West, 222.40 feet to a point; thence South 70
31 degrees, 23 minutes, 14 seconds West, 245.20 feet to a point, being the northeast corner of lands now or formerly of H.
32 Davidson; thence leaving Route 84 at a bearing North 72 degrees, 25 minutes, 53 seconds West, 862.69 feet to a point;
33 thence North 19 degrees, 56 minutes, 16 seconds East, 2330.59 feet to a point, being a corner for lands now or formerly of
34 M. Robertson, lands now or formerly of Middle Eastern Development Corp. and the town limits of Millville; thence South
35 68 degrees, 05 minutes, 28 seconds East, 2106.00 feet; thence North 39 degrees, 58 minutes, 42 seconds East 322.64 feet to
36 a point; thence continuing North 39 degrees, 58 minutes, 42 seconds East, 1168.96 feet to a point, said point being a spike
37 set in the centerline of Route 26 in front of Lord Baltimore School; thence following the easterly edge of Whites Creek in a
38 northeast direction such a distance that will meet the edge of the right-of-way of Assawoman Canal; thence following the
39 westerly edge of the right-of-way of Assawoman Canal such a distance as will reach the point of beginning, be the contents
40 thereof what they may.

41 Also, the territory hereinafter described is annexed into the Town limits of the Town of Ocean View. Said property
42 is described as follows:

43 Beginning at an iron pipe located on the northeasterly right-of-way of County Road 361, said iron pipe being a
44 corner for this parcel and lands now or formerly of Marie Cullen; thence South 81 degrees 30 minutes 05 seconds East, by
45 and with the lands now or formerly of Marie Cullen and lands now or formerly of Brice J. Butler, Jr., et ux., through an iron
46 pipe at 405.88 feet, a distance of 797.05 feet to an iron pipe; thence North 08 degrees 31 minutes 06 seconds East, by and
47 with lands now or formerly of Brice J. Butler, Jr., et ux., and lands now or formerly of Regina A. O'Rourke, through an
48 iron pipe at 560.0 feet, a distance of 570.13 feet to a point; thence North 78 degrees 48 minutes 50 seconds East, by and
49 with lands now or formerly of Robert E. Reeping, et ux., and the center of a ditch, a distance of 30.00 feet to a point; thence
50 North 75 degrees 01 minutes 59 seconds East a distance of 187.56 feet to a point for corner; thence North 61 degrees 30
51 minutes 55 seconds East a distance of 50.55 feet to a point for corner; then North 40 degrees 08 minutes 13 seconds East a
52 distance of 159.09 feet to a point for corner; thence North 53 degrees 28 minutes 27 seconds East a distance of 36.23 feet to

53 a point for corner; thence South 44 degrees 00 minutes 07 seconds East by and with Savannahs Landing Subdivision, and
54 the center of a ditch, a distance of 419.84 feet to a point; thence South 43 degrees 13 minutes 55 seconds East, by and with
55 Ocean Way Estates Subdivision, and a ditch, a distance of 582.59 feet to a concrete marker; thence South 23 degrees 07
56 minutes 52 seconds West, by and with Ocean Way Estates Subdivision, a distance of 1032.39 feet to an iron pipe; thence
57 North 53 degrees 20 minutes 23 seconds West, by and with lands now or formerly of Peter Fowler, et ux., a distance of
58 154.45 feet to appear; thence North 53 degrees 19 minutes 23 seconds West, by and with lands now or formerly of Timothy
59 S. Elder, a distance of 225.65 feet to a point; thence North 74 degrees 37 minutes 50 seconds West a distance of 147.58 feet
60 to a point for corner; thence South 16 degrees 29 minute 58 seconds East a distance of 95.11 feet to a point for corner;
61 thence South 05 degrees 47 minutes 14 seconds West a distance of 92.29 feet to a point for corner; thence South 70 degrees
62 07 minutes 47 seconds West a distance of 74.96 feet to a point for corner; thence North 82 degrees 02 minutes 13 seconds
63 West, by and with the northerly side of a 50 foot right-of-way, a distance of 149.31 feet to an iron pipe; thence North 28
64 degrees 58 minutes 42 seconds West a distance of 82.77 feet to an iron pipe for corner; thence South 79 degrees 52 minutes
65 21 seconds West a distance of 413.96 feet to a point for corner; thence along a curve to the right having a radius of 25.00
66 feet, a central angle of 61 degrees 32 minutes 47 seconds, an arc length of 26.85 feet, and a chord which bears North 69
67 degrees 22 minutes 01 seconds West to an iron pipe; thence North 11 degrees 01 minutes 32 seconds West, by and with the
68 northeasterly right-of-way of County Road 361, a distance of 43.35 feet to a point; thence North 11 degrees 01 minutes 32
69 seconds West a distance of 43.35 feet to a point for corner; thence North 13 degrees 15 minutes 24 seconds West a distance
70 of 56.56 feet to a point for corner; thence North 16 degrees 15 minutes 50 seconds West a distance of 59.57 feet to a point
71 for corner; thence North 19 degrees 10 minutes 32 seconds West a distance of 62.82 feet to a point for corner; thence North
72 22 degrees 32 minutes 10 seconds West a distance of 53.36 feet to a point for corner; thence North 25 degrees 56 minutes
73 35 seconds West a distance of 58.71 feet to a point for corner; thence North 27 degrees 34 minutes 28 seconds West a
74 distance of 57.35 feet to a point for corner; thence North 28 degrees 24 minutes 32 seconds West a distance of 56.15 feet to
75 a point for corner; thence North 28 degrees 58 minutes 22 seconds West a distance of 402.62 feet to a point for corner;
76 thence North 27 degrees 50 minutes 13 seconds West a distance of 39.56 feet to a point for corner; thence North 26 degrees
77 23 minutes 48 seconds West a distance of 53.13 feet to a point for corner; thence North 23 degrees 55 minutes 55 seconds
78 West a distance of 53.35 feet to a point for corner; thence North 21 degrees 43 minutes 37 seconds West a distance of 22.97
79 feet to the Point of Beginning, said parcel contains 40.62 acres of land, being the same more or less.

80 The limits and bounds of the Town of Ocean View are further extended to include the following:

81 Beginning at a concrete monument found at a point formed by the intersection of the northerly right-of-way line of
82 County Road 84, 60' wide, with the southwesterly line of a plot entitled "Villagers, Inc. Final Lot and Road Plan", as

83 recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Plot Book 8, Page
84 621, thence running, by and with said northerly right-of-way line of County Road 84 the following three (3) courses, North
85 85 degrees 54 minutes 57 seconds East 245.40 feet to a point of curvature, thence running, by and with the arc of a circle,
86 deflecting to the left, having an arc length of 448.42 feet, a radius of 966.40 feet and a chord bearing and distance of North
87 71 degrees 42 minutes 08 seconds East 444.41 feet to a point of tangency, thence running, North 61 degrees 15 minutes 57
88 seconds East 280.73 feet to a point opposite the westerly line of the lands of, now or formerly, Frank E. and Lois J.
89 Lathbury as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 2054, Page 227, thence
90 running, crossing said County Road 84 and running by and with said lands of, now or formerly, Frank E. and Lois J.
91 Lathbury, the following four (4) courses, South 32 degrees 35 minutes 00 seconds East 801.00 feet to a point, thence
92 running, South 28 degrees 23 minutes, 22 seconds West 985.59 feet to an iron pipe found, thence running, South 53 degrees
93 47 minutes 55 seconds East 73.08 feet to a point, thence running, South 18 degrees 45 minutes 09 seconds West 125.45 feet
94 to a concrete monument found on the northerly line of the lands of, now or formerly, C.F.L. Enterprises, Inc. as recorded in
95 the aforesaid Office of the Recorder of Deeds in Deed Record Book 1111, Page 8, thence running, by and with said lands
96 of, now or formerly, C.F.L. Enterprises, Inc. the following eight (8) courses, South 18 degrees 45 minutes 09 seconds West
97 961.12 feet to an iron rod with cap set, thence running South 25 degrees 26 minutes 39 seconds East 51.05 feet to an 18”
98 oak tree, thence running South 28 degrees 42 minutes 03 seconds East 507.26 feet to an iron rod with cap found, thence
99 running, South 35 degrees 38 minutes 49 seconds East 261.84 feet to a nail set in the base of a tree, thence running, South
100 48 degrees 39 minutes 55 seconds East 182.19 feet to an iron rod with cap found, thence running, South 52 degrees 31
101 minutes 38 seconds East 185.00 feet to an iron rod with cap found, thence running South 73 degrees 26 minutes 03 seconds
102 East 45.54 feet to a point on the westerly line of lands of Shady Dell Park, as recorded in the aforesaid Office of the
103 Recorder of Deeds in Plot Book 9, Page 72, and Plot Book 8, Page 803, thence running, by and with said Shady Dell Park
104 the following four (4) courses, South 65 degrees 41 minutes 25 seconds East 227.09 feet to a point, thence running, South
105 69 degrees 30 minutes 21 seconds East 538.04 feet to a point, thence running, South 04 degrees 25 minutes 49 seconds
106 West 498.32 feet to a point, thence running, South 72 degrees 26 minutes 51 seconds West. 898.50 feet to an iron pipe
107 found on the westerly line of the lands of, now or formerly, Mabel E. Layton, as recorded in the Office of the Recorder of
108 Wills, in and for Sussex County and the State of Delaware, in Will Record Book 128, Page 310, thence running, by and
109 with said lands of, now or formerly, Mabel E. Layton the following six (6) courses, South 74 degrees 40 minutes 12
110 seconds West 250.17 feet to a point, thence running, South 74 degrees 38 minutes 04 seconds West 468.27 feet to a point,
111 thence running South 31 degrees 15 minutes 10 seconds East 214.30 feet to a point, thence running, South 33 degrees 29
112 minutes 08 seconds East 527.95 feet to a point, thence running, South 34 degrees 06 minutes 46 seconds East 284.13 feet to

113 a point, thence running, South 51 degrees 11 minutes 55 seconds West 75.28 feet to a point on the northerly right-of-way
114 line County Road #368, 50' wide, thence running, by and with said right-of-way line County Road #368 the following
115 fifteen courses, South 72 degrees 04 minutes 27 seconds West 1107.80 feet to a point, thence running, South 73 degrees 20
116 minutes 24 seconds West 101.82 feet to a point, thence running, by and with the arc of a circle, deflecting to the right,
117 having an arc length of 207.10 feet, a radius of 242.55 feet and a chord bearing and distance of North 82 degrees 12
118 minutes 07 seconds West 200.87 feet to a point of tangency, thence running, North 57 degrees 44 minutes 26 seconds West
119 110.92 feet to a point, thence running, North 55 degrees 33 minutes 05 seconds West 118.21 feet to a concrete monument
120 found, thence running, North 55 degrees 29 minutes 19 seconds West 731.79 feet to a concrete monument found, thence
121 running, North 55 degrees 33 minutes 01 seconds West 511.51 feet to a point, thence running, by and with the arc of a
122 circle, deflecting to the right, having an arc length of 121.23 feet, a radius of 787.62 feet and a chord bearing and distance
123 of North 51 degrees 09 minutes 05 seconds West 121.11 feet to a point of tangency, thence running, North 46 degrees 44
124 minutes 30 seconds West 345.71 feet to a point, thence running, North 46 degrees 44 minutes 30 seconds West 300.01 feet
125 to an iron pipe with cap set, thence running, North 46 degrees 46 minutes 36 seconds West 27.10 feet to a point, thence
126 running, North 46 degrees 33 minutes 29 seconds West 673.72 feet to an iron pipe found, thence running, by and with the
127 arc of a circle, deflecting to the left, having an arc length of 325.94 feet, a radius of 4842.00 feet and a chord bearing and
128 distance of North 49 degrees 23 minutes 51 seconds West 325.87 feet to a point of tangency, thence running, North 51
129 degrees 1.9 minutes 34 seconds West 564.37 feet to a point, thence running, North 50 degrees 56 minutes 33 seconds West
130 677.36 feet to a point on the easterly right-of-way line of the aforementioned County Road #84, thence running, by and
131 with said right-of-way line of County Road #84 the following nine (9) courses, North 44 degrees 41 minutes 50 seconds
132 East 1321.75 feet to a point, thence running, By and with the arc of a circle, deflecting to the left, having an arc length of
133 353.22 feet a radius of 1002.00 feet and by a chord bearing and distance of North 34 degrees 35 minutes 18 seconds East
134 351.40 feet to a point of tangency, thence running, North 24 degrees 29 minutes 22 seconds East 757.88 feet to a point,
135 thence running, By and with the arc of a circle, deflecting to the right, having an arc length of 339.62 feet, a radius of
136 568.00 feet and a chord bearing and distance of North 41 degrees 33 minutes 53 seconds East 335.62 feet to a point of
137 tangency, thence running, North 58 degrees 44 minutes 54 seconds East 210.66 feet to a point, thence running, by and with
138 the arc of a circle, deflecting to the left, having an arc length of 459.71 feet, a radius of 1907.23 feet and a chord bearing
139 and distance of North 51 degrees 50 minutes 35 seconds East 458.60 feet to a point of tangency, thence running, North 44
140 degrees 56 minutes 17 seconds East 120.15 feet to a point, thence running, by and with the arc of a circle, deflecting to the
141 right, having an arc length of 399.04 feet, a radius of 556.00 feet and a chord bearing and distance of North 65 degrees 29
142 minutes 54 seconds East 390.53 feet to a point of tangency, thence running, North 86 degrees 03 minutes 31 seconds East

143 902.98 feet to an iron rod with cap found, thence running, Crossing said County Road #84, North 04 degrees 09 minutes 14
144 seconds West 59.08 feet to a point on the northerly right-of-way line of said County Road #84, thence running, By and with
145 said northerly right-of-way line of County Road 84, North 85 degrees, 54 minutes, 57 seconds East 323.47 feet to the point
146 and place of beginning: CONTAINING 457 acres of land, more or less.

147 The limits and bounds of the Town of Ocean View are further extended to include the following:

148 Beginning at an iron pipe found at a point formed by the intersection of the easterly right-of-way line of Old
149 School Lane, 50 feet wide, with the northerly line of the lands of, now or formerly, Grace Shaeffer Collins and John H.
150 Collins, as recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Deed
151 Book 2870, Page 263, thence,

152 1) Leaving said lands of Collins and running by and with said right-of-way line of Old School Lane, the following
153 two (2) courses, North 32 degrees 51 minutes 51 seconds East 290.29 feet to a point, thence running,

154 2) North 34 degrees 53 minutes 59 seconds East 23.59 feet to a point on the southerly lines of the limits and
155 bounds of Sussex County, thence,

156 3) Leaving said Old School Lane and running by and with said limits and bounds of Sussex County, South 65
157 degrees 52 minutes 14 seconds East 275.86 feet to a point on the northwesterly line of the limits and bounds of the Town of
158 Ocean View, thence,

159 4) Leaving said limits and bounds of Sussex County and running by and with said limits and bounds of the Town
160 of Ocean View, South 41 degrees 31 minutes 15 seconds West 386.02 feet to a point on the aforesaid northerly line of the
161 lands of Collins, thence,

162 5) Leaving said limits and bounds of the Town of Ocean View and running by and with said lands of Collins,
163 North 50 degrees 17 minutes 22 seconds West 216.95 feet to the point and place of beginning; containing 1.9455 acres of
164 land, more or less.

165 The limits and bounds of the Town of Ocean View are further extended to include the following:

166 Any street, road or way previously conveyed, transferred or delivered to the Public or to the State,
167 County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a
168 road or as a public right-of-way corridor and any stream, river, canal, or other waterway to the centerline thereof that is
169 contiguous with or adjacent to the limits and bounds of the Town; provided however, that any such territory that is included
170 in the limits or boundary of an adjacent municipality shall not be included in the limits and the bounds of the Town of
171 Ocean View.

172 The Town of Ocean View’s annexation of land pursuant to Article IV of this Charter shall not require
173 amendment of this Article I.

174 Article II - Governmental Structure

175 Section 2.1 - Town Officers

176 Section 2.101 - Appointment and Removal of Town Manager.

177 There shall be a Town Manager appointed by a majority vote of all members of Council. He or she shall serve at
178 the pleasure of the Council and the Council shall determine the compensation. The Town Manager may be removed by a
179 majority vote of all members of Council, but that removal shall not become effective until at least thirty (30) days after
180 written notice of removal is issued. The Council shall appoint or designate an acting Town Manager if the Town Manager’s
181 position is vacant or if the Town Manager is unable to serve.

182 Section 2.102 - Power and Duties of Town Manager.

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

184 Be the chief administrative officer of the Town, see that governing laws, regulations, and ordinances are faithfully
185 executed and enforced.

186 Be the head of the administrative branch of the Town Government.

187 Appoint and remove all subordinate officers and employees of the Town in accordance with the rules and
188 regulations of any merit system adopted by the Town.

189 Make an annual report and other reports to the Council and to the public from time to time on the condition of
190 municipal affairs.

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

192 Arrange for the taking of minutes of all Council meetings and keeping a full and accurate account of the
193 proceedings of the Council.

194 Sign contracts, bonds, or other instruments that require the assent of the Town.

195 Do such other things as the Council may require, or as may be required elsewhere in the Charter, by State law, or
196 by ordinance.

197 Section 2.103 - Appointment and Removal of Chief Financial Officer

198 There may be a Chief Financial Officer appointed by the Council who shall report to the Town Manager. He or she
199 shall serve at the pleasure of the Council and the Council shall determine the compensation. The Chief Financial Officer
200 may be removed by a majority vote of all members of the Council, but that removal shall not become effective until at least

201 thirty (30) days after written notice of removal is issued. The Council shall appoint or designate an acting Chief Financial
202 Officer if the position is vacant. The Council may designate the Town Manager to be the Chief Financial Officer.

203 Section 2.104 - Powers and Duties of Chief Financial Officer.

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

205 Prepare an annual budget to be submitted to the Council.

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

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

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

212 Ascertain all taxable property within the Town is assessed for taxation.

213 Collect all taxes, special assessments, license fees, liens and all other revenues including utility revenues of the
214 Town and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.

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

217 Section 2.105 - Town Clerk.

218 There shall be a Town Clerk appointed by the Town Manager, which shall serve at the pleasure of the Town
219 Manager. In addition to other duties proscribed by law, the Town Clerk may also act as an executive assistant to the Town
220 Manager. The Town Council shall determine the compensation of the Town Clerk. The Town Manager may appoint or
221 designate an acting Town Clerk if the Town Clerk's position is vacant or if the Town Clerk is unable to serve.

222 The Town Clerk shall not be a member of the Council. The Town Clerk, or a substitute person designated by the
223 Town Manager to perform the Town Clerk's duties, shall attend all meetings of the Town Council, and shall, at the
224 direction of the Town Manager, record all the proceedings thereof and shall prepare and maintain the minutes of meetings.
225 The Town Clerk shall attest the Seal of the Town when authorized by the Council and shall perform such duties and have
226 such other powers as may be prescribed by the Council or by ordinance.

227 Section 2.1064 - Bond.

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

230 Section 2.2 - Mayor.

231 Section 2.201 - Election - Term of Office.

232 The Mayor shall be elected as provided in this Charter and shall hold office for a term of three (3) years or until his
233 or her successor is elected and sworn in office except as provided in Section 2.515. The newly elected Mayor shall take
234 office on the fourth Tuesday in April following an election. No Mayor may serve for more than two (2) consecutive terms
235 beginning with the April election following the adoption of this Charter. A one (1) term lapse must occur before seeking re-
236 election to office after two (2) consecutive terms.

237 Section 2.202 - Qualifications.

238 The Mayor shall be at least eighteen (18) years of age; shall have resided in the Town for at least two (2) years
239 immediately preceding the date of election and shall be a qualified registered voter (as defined by this Charter) to the Town
240 of Ocean View. The Mayor shall maintain a permanent residence in the Town during his or her term of office.

241 Section 2.203 – Compensation.

242 The Mayor shall receive an annual compensation, which shall be established by ordinance. The Mayor's
243 compensation shall not be increased during the term for which he or she was elected, except as provided below.

244 The Mayor's compensation shall be increased each year based on the Consumer Price Index (CPI) published by
245 the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for the previous December
246 and the relative percentage increase shall be calculated. The compensation increment shall be one hundred percent (100%)
247 of the relative percentage increase. No decrease in the prior year's compensation shall be allowed, so if there is no CPI
248 increase, the prior year's compensation shall continue in effect until the following December. The effective date of the
249 increase will be the first (1st) of January.

250 Section 2.204 - Powers, Duties, and Removal.

251 The Mayor shall be recognized as the head of the Town government for all ceremonial purposes, by the courts for
252 serving civil processes, and by the governor for the purpose of military and emergency law. The Mayor shall have such
253 other powers and perform such other duties as may be prescribed in this Charter or required of him by the Council, if not
254 inconsistent with this Charter.

255 The Mayor may be removed from office after a public hearing by a four-fifths (4/5ths) vote of all members of
256 Council only if the Council finds that the Mayor: (a) lacks, at any time during his/her term of office, any qualification for
257 his/her office prescribed by this Charter or by law; Charter or (b) is convicted of a felony or any crime involving moral
258 turpitude.

259 Section 2.3 - The Council.

260 Section 2.301 - Composition, Election and Terms of Office.

261 All legislative powers of the Town shall be vested in a Council consisting of a Mayor and four (4) Council
262 Members. Such members shall be elected as provided in this Charter and shall hold office for a term of three (3) years or
263 until Council Members elected to succeed them are sworn into office. Except as provided in Section 2.515, newly elected
264 Council Members shall take office on the fourth Tuesday of April following an election. No Council Member may serve for
265 more than two (2) consecutive terms beginning with the April election following the adoption of this Charter. A one (1)
266 term lapse must occur before seeking re-election to office after two (2) consecutive terms.

267 Section 2.302 - Qualifications of Council Members.

268 Each Council Member shall be at least eighteen (18) years of age; shall have resided in the Town for at least one
269 (1) year immediately preceding the date of election; and shall be a qualified registered voter (as defined by this Charter) in
270 the Town of Ocean View. Each Council Member shall be a resident of the Council district that the candidate seeks to
271 represent at the time of filing for candidacy and during the full term of office.

272 Section 2.303 – Compensation.

273 The Council Members shall receive an annual compensation, which shall be established by ordinance. Council
274 Members' compensation shall not be increased during the term for which they are elected except as provided below.

275 The compensation shall be increased each year based on the Consumer Price Index (CPI) published by the U.S.
276 Department of Labor. The CPI for December of each year shall be compared to the CPI for the previous December and the
277 relative percentage increase shall be calculated. The compensation shall be 100% of the relative percentage increase. No
278 decrease in prior year's compensation shall be allowed so, if there is no CPI increase, the prior year's compensation shall
279 continue in effect until the following January. The effective date of the increase will be the first of January.

280 Section 2.304 - Meetings and Procedures.

281 The Council shall have an organizational meeting on the fourth Tuesday following the election. At that meeting,
282 the Council shall establish regular meeting dates and times. Regular meetings shall not be less frequent than one (1) each
283 month. A notice shall be published at least once in a newspaper of general circulation in the Town stating the date, time and
284 place of regular meetings and shall otherwise comply with the requirements of the Delaware Freedom of Information Act
285 (Title 29, Chapter 100 of the Delaware Code as amended). Special meetings shall be called by the Town Manager upon the
286 request of the Mayor or a majority of the members of the Council. Except as provided otherwise in the Charter and/or by
287 State law, all meetings shall be open to the public. The Council shall determine its own rules and order of business. The
288 rules of the Council shall provide a reasonable opportunity for Town residents to address the Council at regular and special
289 meetings of the Council. It shall keep minutes of its proceedings, including a record of votes on final action or any

290 questions or ordinance and any other actions if requested by any one (1) member. The minutes shall be open to the public
291 during normal business hours at Melson Administrative and Public Safety Building.

292 The Council may meet in executive session or adjourn an open session to an executive session for the purposes as
293 may be provided for by State law and/or by ordinance.

294 Section 2.305 - Council to be Judge of Qualifications of its Members and Removal.

295 The Council shall be the judge of the election and of the qualifications contained in Sections 2.202 and 2.302 of its
296 members. Any member of Council may be removed from office after a public hearing by a 4/5ths majority vote of all
297 members of Council only if the Council finds that a Council Member: (a) lacks, at any time during his/her term of office,
298 any qualification for his/her office prescribed by this Charter or by law; Charter or (b) is convicted of a felony or any crime
299 involving moral turpitude.

300 Section 2.306 - Presiding Officer.

301 The Mayor shall serve as the presiding officer of the Council. The Mayor may take part in all discussions and may
302 vote on all matters coming before the Council. At the first Council meeting following an election, the Council shall elect a
303 Mayor Pro Tem to serve as the presiding officer in the absence of the Mayor. The term of the Mayor Pro Tem shall be until
304 the next regular Town election. In the event of the resignation of the Mayor Pro Tem or if the Mayor Pro Tem becomes
305 Mayor as provided for in Section 2.515 of this Charter, the Council shall elect a new Mayor Pro Tem at its next Council
306 meeting to serve the balance of the term.

307 Section 2.307 – Quorum.

308 A majority of all members elected to the Council shall constitute a quorum for the transaction of business but no
309 ordinance shall be approved without the favorable recorded votes of a majority of all members of Council.

310 Section 2.308 – Vacancies.

311 Vacancies on the Council shall be filled as provided in Section 2.515 of this Charter.

312 Section 2. 309 - Procedure for Enacting Ordinances.

313 (A) Introduction and Required Readings

314 Introduction. Every proposed ordinance shall be introduced in writing in a form to be prescribed by the Town
315 Council. Each such ordinance, except the annual budget ordinance and general modifications and revisions of ordinances,
316 shall contain not more than one (1) subject, which shall be clearly and adequately expressed in its title. This process shall
317 not apply to zoning ordinances.

318 Readings. Upon the introduction of a proposed ordinance, it shall be read at two (2) consecutive regular meetings
319 of the Town Council. Each such reading at a regular Town Council meeting shall be a public hearing on the proposed

320 ordinance. Readings by title only shall be sufficient. No proposed ordinance may be acted upon until the completion of the
321 foregoing.

322 No ordinance shall be passed at a meeting at which it is introduced. At any regular or special Council meeting held
323 not less than fourteen (14) or more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be
324 passed as amended, rejected or its consideration defined to some specific future date. In cases of emergency affecting life,
325 health, property or the public good, the waiting period requirement may be suspended by unanimous vote of the members
326 of the Council who are present.

327 Except as set forth in Sections 3.115(A) 1 and 4.102(C), every ordinance shall become effective following its
328 passage.

329 (B) The Town Council may upon a four-fifths (4/5ths) vote of all members of Council
330 provide an emergency ordinance to take effect upon passage. A summary of every ordinance
331 excepting emergency ordinances shall be published at least once prior to the date of passage in a
332 newspaper having general circulation in the Town. A summary of every ordinance including
333 emergency ordinances shall be published at least once within ten (10) days after passage in a
334 newspaper having general circulation in the Town.

335 The budget ordinance will be enacted as stated in Section 3.104 of this Charter.

336 Section 2.310 - Manner of Exercise.

337 The Council may enact all ordinances necessary to carry out the powers granted in this Charter. All powers of the
338 Town shall be exercised in a manner prescribed by this Charter or, if the manner is not prescribed, in said manner as may be
339 prescribed by ordinance.

340 Section 2.311 - Fixing Penalty for Breach of Ordinances.

341 To ensure compliance with the ordinances of the Town, the Council shall have the power to affix penalties for the
342 breach of an ordinance. The Council may provide that a judgment or conviction for an offense shall not bar a subsequent
343 enforcement procedure for a continuation of the same offense.

344 Section 2.312 - Public Records.

345 All public records shall be filed by the Town Manager and shall be kept available for public inspection during
346 normal business hours in accordance with State law and the retention schedule established by the Town Manager.

347 Section 2.313 - Council Powers.

348 (A) General Powers

349 The government of the Town of Ocean View, as established herein, shall assume and have all powers which, under
350 the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which
351 are not denied by statute. This grant of powers includes the power to adopt ordinances for the protection and preservation of
352 town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of
353 health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

354 (B) Construction

355 The powers of the Town of Ocean View shall be construed liberally in favor of the Town, and specific mention of
356 particular powers shall not be construed as limiting in any way the general powers stated in this section.

357 (C) Intergovernmental relations

358 The Town of Ocean View may exercise any of its powers or perform any of its functions and may participate in
359 the exercise thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more municipalities, County or
360 the State, or the agencies thereof of the United States or any agency thereof.

361 (D) Exercise of Powers

362 All powers of the government of the Town of Ocean View shall be carried into execution as provided by the
363 Charter or by other law of this State or as provided for by ordinance of the Town government of Ocean View.

364 (E) Specific Powers

365 These specific powers include but are not limited to:

366 Advertising: to provide for advertising for Town purposes and for printing and publishing statements having to do
367 with the business of the Town.

368 Amusements: to provide in the interest of the public welfare for licensing, regulating or restraining public
369 amusements.

370 Animals: to regulate the keeping of animals, domestic or otherwise, and to provide for the licensing and taxing of
371 them; to provide for disposition of homeless animals on which no license fee or taxes are paid, of vicious animals and of
372 impounded, unclaimed animals.

373 Appropriations: to appropriate municipal funds for any lawful purpose.

374 Audits: to provide for the appointment of a Certified Public Accounting Firm to audit the books and accounts of
375 all Town officers collecting, handling, or disbursing funds belonging to the Town.

376 Billboards: to license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the
377 Town and placing of signs, bills and posters of every kind and description on any fence, post, billboard, pole or other place
378 within the Town.

379 Bonds: to issue bonds for public works projects, for capital projects, and for litigation or appeal purposes as may
380 be required from time to time.

381 Building Regulations: to make reasonable regulations concerning buildings and signs to be erected within the
382 limits of the Town, formulating a building code and requirements for building permits.

383 Cemeteries: to regulate or prohibit the internment of human bodies within the Town and to regulate cemeteries.

384 Codification of Ordinances: to provide for the codification of all ordinances.

385 Community Service: to provide, maintain, and operate selected community and social services for the
386 preservation and promotion of the health, recreation, welfare and enlightenment of Town residents.

387 Cooperative Activities: to make agreements with other municipalities, counties, districts, bureaus, agencies,
388 commissions and governmental authorities for the joint performance of, or for cooperation in, the performance of any
389 governmental functions.

390 Curfew: to prohibit the youth from being on the streets and public places at unreasonable hours of the night.

391 Dangerous Improvements: to compel persons about to undertake dangerous improvements to execute bonds with
392 sufficient sureties, conditional that the owner or contractor will pay all damages resulting from such work which may be
393 sustained by any persons or property.

394 Delegate: unless otherwise prohibited by law, delegate certain Town functions to third parties.

395 Departments: to create, change and abolish offices, departments or agencies other than offices, departments or
396 agencies established by this Charter. These shall not include the power to discontinue or assign to any other office,
397 department or agency any functions or duties assigned by this Charter to a particular office, department or agency.

398 Elevators: to require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous,
399 or without a license.

400 Environmental Control: to regulate the use of the environment.

401 Explosives, Combustibles and other Weapons: to control the use and handling of dangerous and explosive
402 materials and to prevent the firing of any firearms or other explosive instruments within the Town limits.

403 Finances: to levy, assess and collect taxes; to expend municipal funds for public purposes and to have general
404 management and control of the finances of the Town.

405 Fire: to prevent and suppress fires and to establish and maintain fire department protection.

406 Food: to inspect and, if deemed unsafe, to require the condemnation of, and regulate the sale of, any food
407 products.

408 Franchises: to grant and regulate franchises as provided by State law; to grant one (1) or more franchises for a
409 community antenna system or other cable television system or telecommunication system that utilizes any public right-of-
410 way, highway, street, road, land, alley or bridge; to grant any other franchises which may be deemed advantageous and
411 beneficial to the Town; to impose franchise fees and to establish rates, rules and regulations for franchises granted under
412 this Section. No franchise shall be granted for a period longer than fifty (50) years.

413 Garbage and Trash: to prevent the deposit of any unwholesome substance whether on private or public property
414 and to compel its removal to designated points; to require dirt, garbage, trash, liquids, ashes, and other wastes or
415 unwholesome materials be removed to designated points and to provide for the proper disposal of such material or require
416 the occupants of the premises to place them conveniently for removal.

417 Grants-In-Aid: to accept gifts and grants of funds from Federal, State and County governments or their agencies
418 or any bi-county agency; to expend the funds for any lawful purpose, according to the conditions under which the gifts or
419 grants were made and to expend money necessary to the applications and qualifications of such grants.

420 Hawkers: to license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and
421 all other persons selling any articles on the streets of the Town and to revoke such licenses for any action or threat of action
422 by a licensee in the course of his or her occupation which causes or threatens harm or injury to inhabitants of the Town or
423 to their welfare.

424 Health: to protect and preserve the health of the Town and its inhabitants; to appoint a public health officer and to
425 define and regulate his or her powers and duties; to prevent the introduction of contagious diseases to the Town; to establish
426 quarantine regulations; to authorize the removal and confinement of persons having contagious or infectious diseases; to
427 prevent and remove all nuisances and to inspect, regulate and abate any buildings, structures or places which cause or may
428 cause unsanitary conditions or conditions detrimental to health.

429 Inspections: to authorize and require inspection of gas pipes, water pipes, plumbing apparatus, electric lines and
430 wires, and any other utility, carrier or device, and drainage and sewage systems on private property, and to compel repairs if
431 needed.

432 Licenses and Permits: to exercise the licensing authority granted in the business regulations article of the State
433 code and other provisions of law, subject to the limitations of all State codes; to establish and collect reasonable fees and
434 charges for all franchises, licenses or permits issued by the Town or associated with the exercise by the Town of any
435 governmental or proprietary function.

436 Liens: to provide that any valid charges, taxes or assessments made against any real property by the Town, within
437 the Town, shall be liens upon the property to be collected as municipal taxes are collected.

438 Lights: to provide for the lighting of the Town and to regulate private lighting to prevent it from becoming a
439 nuisance or disturbing the privacy of other citizens.

440 Minor Privileges: to regulate or prevent the use of public ways, sidewalks and public places for signs, awnings,
441 posts, railings, entrances, rocks, posted handbills and advertisements and display of goods, wares and merchandise.

442 Noise: to establish rules and regulations for the abatement of noise.

443 Nuisances: to prevent or abate by appropriate ordinance all nuisances in the Town which are so defined by
444 common law, this Charter or by the laws of the State of Delaware, whether or not they are specifically listed in this Charter.

445 Obstructions: to remove all nuisances and obstructions from streets, lanes, alleys, and adjoining lots, or other
446 places within the Town limits.

447 Parking Facilities: to license and regulate and to establish, obtain by purchase or lease or by rent, own, construct,
448 operate and maintain lots for off street parking.

449 Parking Meters: to install parking meters on the streets and public places of the Town in such places as the

450 Parks and Recreation: to establish and maintain public parks, gardens, playgrounds and other recreational
451 facilities and programs to promote the health, welfare and enjoyment of Town residents.

452 Police: to establish and maintain adequate police protection.

453 Provide for the purchase of materials, supplies and equipment through the State of Delaware agencies whenever
454 desirable.

455 Regulations: to adopt by ordinance, and enforce within the corporate Town limits, police, health, sanitary, fire,
456 building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of
457 Delaware or this Charter.

458 Seal: to make, have, use, and from time to time, alter a common seal.

459 Special Elections: to provide for special elections for municipal purposes, at such times and places as may be
460 determined, subject to the provisions of this Charter.

461 Zoning: to exercise planning and zoning powers conferred upon municipal corporations generally or to the Town
462 specifically.

463 Saving Clause

464 The enumeration of powers in this section shall not be construed as limiting the powers of the Town to the subjects
465 mentioned.

466 Section 2.4 - Town Solicitor.

467 Section 2.401 - Appointment and Duties.

468 The Town Council shall appoint an attorney who shall have the title of Town Solicitor. The Town Solicitor shall
469 serve at the pleasure of the Town Council and shall be licensed to practice law in the State of Delaware. It shall be the duty
470 of the Town Solicitor to give legal advice to the Council and Town Officers and to perform such other services as may be
471 required by the Council.

472 Section 2.5 - Registration, Nominations and Elections.

473 Section 2.501 - Qualifications of Voters.

474 Every person who is a citizen of the United States; is at least eighteen (18) years of age; has resided within the
475 corporate limits of the Town for at least six (6) months prior to the next Town election; and is registered in accordance with
476 the provisions of this Charter, shall be a qualified

477 voter of the Town. Every qualified voter of the Town shall be entitled to vote in any or all Town elections.

478 Section 2.502 - Election District.

479 (A) The Town of Ocean View is divided into four (4) geographic election districts for Town Council. The Council
480 shall establish by ordinance the geographical area of the Council districts. The position of Mayor shall be elected at large.

481 (B) 1. The Council will reevaluate and reestablish the boundaries of the Council districts, if necessary, to achieve
482 substantial equality of representation as soon as practicable following the publication of each decennial census of the
483 population of the United States.

484 2. Any ordinance enacted by the Town of Ocean View for purposes of establishing the Council districts shall be
485 effective forty-five (45) calendar days after enactment provided that said ordinance is not petitioned to referendum pursuant
486 to paragraph C herein.

487 (C)1. Any ordinance relating to election districts shall be subject to referendum where a proper petition signed by
488 thirty three percent (33%) of the eligible voters within the Town is filed with the Town Clerk within thirty (30) calendar
489 days of the date of adoption of the ordinance.

490 2. If a proper referendum petition is filed, the Town Council, by ordinance, shall set the time and date for
491 submission of the petition to the voters of the Town. The Board of Elections shall conduct the referendum election in the
492 same manner as regular Town elections.

493 (D) The Council shall assign any geographical areas annexed into the corporate limits of the Town of Ocean View
494 to the appropriate election district.

495 Section 2.503 - Board of Elections Generally.

496 There shall be a Board of Elections, consisting of five (5) members and three (3) alternates, who shall be appointed
497 by the Council at the first meeting in the month of May. The alternates shall be bound by all the applicable provisions of

498 this Charter and shall attend all meetings of the Board and, if a member of the Board is absent or incapacitated for any
499 reason, shall serve in that member's place until the absence or incapacity has ceased, having all the powers and authority,
500 including the right to vote, and being subject to the duties imposed on a member of the Board. The terms of members of the
501 Board of Elections and alternates shall begin in May of the year they are appointed and shall expire in May three (3) years
502 following their appointment, but not until their successors have been appointed. Members of the Board of Elections and
503 alternates shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term
504 of office. The Board shall appoint one (1) of its members as Chairperson. Should a vacancy or vacancies occur on the
505 Board of Elections, the Council shall fill the unexpired term(s). The Council shall determine the compensation of the
506 members of the Board and alternates. In addition to the qualifications set forth in this Charter, each member of the Board
507 of Elections shall satisfy the requirements for office as set forth in Title 15 of the Delaware Code.

508 Section 2.504 - Removal of Members.

509 The Council may remove any members of the Board of Elections for good cause. Before removal, the member of
510 the Board of Elections to be removed shall be given a written copy of charges against him or her, and shall have a public
511 hearing on the charges before the Council if he or she so requests within ten (10) days after receiving the written copy of
512 the charges against him or her.

513 Section 2.505 – Duties.

514 The Board of Elections shall be in charge of the registration of voters, nominations and all Town elections. The
515 Board may appoint election clerks or other employees to assist it in any of its duties, which may be employees of the Town.

516 Section 2.506 - Notice of Elections.

517 The Board of Elections shall give at least twenty (20) days notice, or in a timely manner as required by other
518 sections of this Charter or Title 15 of the Delaware Code, of every election by an advertisement published in at least one (1)
519 newspaper of general circulation in the Town, and posting a notice thereof in public places in the Town.

520 Section 2.507 – Registration.

521 The Town Council shall provide by ordinance for the registration of all eligible voters, and the establishment and
522 maintenance of voters' registration lists, including the procedures to be used for the removal of any name from the voter
523 list.

524 Section 2.508 - Appeals from Decision of the Board of Elections.

525 If any person shall feel aggrieved by the action of the Board of Elections in refusing to register, or in striking off
526 the name of any person, or by any other action, such person may appeal pursuant to applicable procedures set forth in Title
527 15 of the Delaware Code.

528 Section 2.509 - Nominating Procedure.

529 Persons may be nominated for Town Council in the Town of Ocean View by the filing of a Certification of Intent
530 and by the payment of a Fifty Dollar (\$50) filing fee with the Board of Elections at least thirty (30) days prior to the date of
531 election and for Mayor at least forty-five (45) days prior to the date of election and by observance of such other
532 requirements as may be imposed by the Council by ordinance. The Town Manager shall cause a Notice of Solicitation of
533 Candidates to be conspicuously posted at least twenty (20) days in advance of the nomination date for Mayor or Town
534 Council. The Certificate of Intent shall contain the following: the office which the candidate is seeking; the name and
535 signature of the candidate; the election district in which the candidate resides. No person shall file for nomination for more
536 than one (1) elective office or hold more than one (1) elective public office at any one (1) time.

537 Section 2.510 - Conduct of Elections.

538 All municipal elections in the Town of Ocean View shall be conducted on a non-partisan basis and no ballot shall
539 carry any party affiliation. It shall be the Board of Elections responsibility to provide for each special and general election
540 in a suitable place or places for voting and suitable voting machines. The voting machines shall show the name of each
541 candidate nominated for elective office in accordance with the provision of the Charter. The Board shall keep the polls open
542 to a time required by the Council. An election shall be held in the Town of Ocean View for Town Council on the second
543 Saturday of April. Hours for the length of poll openings shall be set by the Town Council and announced in all
544 advertisements required by this Charter.

545 Section 2.511 - Absentee Voting.

546 Any qualified voter may cast an absentee ballot if he or she qualifies and meets the conditions to submit an
547 absentee ballot under Title 15 of the Delaware Code. Requests for absentee ballots must be completed and returned to the
548 Melson Administrative and Public Safety Building by 12:00 Noon on the day prior to the election.

549 Section 2.512 - Special Election.

550 The Board of Elections shall conduct all special Town elections in the same manner and with the same personnel
551 as far as practicable as regular Town elections.

552 Section 2.513 - Counting Votes and Declaring Results.

553 After the closing of the polls, the Board of Elections shall determine the vote cast for each candidate or issue and
554 shall certify the results of the elections to the Town Manager for each candidate or issue. The Town Manager shall cause
555 the results to be recorded in the minutes of the Council.

556 Section 2.514 - Preservation of Non-Electronic Ballots.

557 All non-electronic ballots and records used in any Town election shall be preserved for at least six (6) months from
558 the date of election.

559 Section 2.515 – Vacancies.

560 (A) In case of a vacancy in the office of Mayor for any reason:

561 1. If the vacancy occurs less than one (1) year prior to the next election, the Mayor Pro Tem shall become Mayor
562 until the next regular election and the vacancy in the Council created thereby shall be filled as provided hereinafter.

563 2. If the vacancy occurs more than one (1) year prior to the next election, the Council shall by ordinance, call a
564 special election to be held not less than sixty (60) nor more than ninety (90) days following the occurrence or vacancy. The
565 Mayor Pro Tem shall act as Mayor until the special election. The person elected at the special election shall serve as Mayor
566 until the next regular election.

567 (B) In case of a vacancy on the Council for any reason:

568 1. If the vacancy occurs less than one (1) year prior to the next regular election, the Council shall appoint some
569 person qualified in accordance with this Charter and who resides in the election district in which the vacancy occurred, to
570 fill such vacancy until the next regular election.

571 2. If the vacancy occurs more than one (1) year from the next regular election, the Council shall by ordinance, call
572 a special election to be held not less than sixty (60) days nor more than ninety (90) days following the occurrence or
573 vacancy. The person elected at the special election shall serve for the remainder of the unexpired term of the vacant seat.

574 (C) Any vacancies on the Council to be filled by appointment shall be filled by the favorable votes of the majority
575 of the remaining members of the Council. The results of any such vote shall be recorded in the Minutes of the Council.

576 (D) Notwithstanding the provisions of Section 2.201 relating to Mayor and to Section 2.301 relating to Council
577 Members, in the event that a person shall be barred from seeking reelection to either office by reason of the term limitation
578 and no other person shall file for election to fill such vacancy, the Town Council may appoint the incumbent to fill such
579 vacancy until a person shall have been elected at the special election as set out above.

580 Section 2.516 - Power of Council to Regulate Elections.

581 The Council shall have the power to provide by ordinance, in every respect not covered by the provisions of the
582 Charter or State law, for the conduct, registration, nomination, and Town elections. Also, the Council shall have the power
583 to provide ordinances for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or
584 fraud.

585 Section 2.517 - Violation of Election Laws.

586 Unless otherwise provided by ordinance, violation of the election laws for the Town of Ocean View shall be
587 punishable as provided for by the laws of the State of Delaware.

588 Article III - Fiscal and Financial Affairs

589 Section 3.101 - Fiscal Year - Tax Year.

590 The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of May and
591 end on the last day of April in the next succeeding calendar year. Such fiscal year shall constitute the budget year and the
592 accounting year.

593 Section 3.102 - Duty to Prepare Budget.

594 The Town Manager and the Chief Financial Officer shall submit an operating budget to the Town Council not later
595 than the fifteenth (15th) day of March each year. The budget shall provide a complete financial plan for the budget year and
596 shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated
597 revenues shall equal or exceed that total of the proposed expenditures. The budget and all other financial records of the
598 Town shall be open to inspection by anyone during normal business hours.

599 Section 3.103 - Capital Improvements Program.

600 (A) The Town Manager shall propose and submit to the Town Council a five (5) year Capital Improvements
601 Program not later than the fifteenth (15th) day of March each year.

602 (B) The Capital Improvements Program shall include:

603 1. A clear summary of its content.

604 2. A list of all capital improvements proposed to be undertaken during the next five (5) years.

605 3. Cost estimates, finding sources and recommended time schedule for each of the capital projects.

606 (C) The Capital Improvements Program shall be revised and extended each year as the then current portion is
607 adopted as part of the operating budget.

608 (D) The Town Council shall hold public hearings and by ordinance adopt the Capital Improvements Program, as
609 submitted or amended, at the same time as the adoption of the operating budget.

610 (E) The Town Manager and the Chief Financial Officer shall include in the proposed operating budget those
611 capital projects adopted by the Town Council for the ensuing year.

612 Section 3.104 - Adoption of Budget.

613 Before adopting the fiscal year budget and Capital Improvements Program, the Town Council shall hold a public
614 hearing thereon after fifteen (15) days notice thereof in one (1) or more newspapers of general circulation within the Town.
615 The Town Council may insert new items or may increase or decrease the items in the fiscal year budget. Where the Town

616 Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at
617 least equal to such proposed expenditures. The fiscal year budget shall be prepared and adopted in the form of an ordinance.
618 A favorable vote of at least a majority of all members elected to the Town Council shall be necessary for adoption.

619 Section 3.105 – Appropriations.

620 No public money may be expended without having the approval of the Town Council. From the effective date of
621 the budget, the general amounts stated therein as proposed expenditures shall be and become appropriated for the same
622 general objects and purposes named therein.

623 (A) Supplemental Appropriations. If during the fiscal year the Town Manager certifies that there are available for
624 appropriation, revenues in excess of those estimated in the budget, the Town Council by ordinance may make supplemental
625 appropriations for the year up to the amount of such excess.

626 (B) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public good, the
627 Town Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in
628 accordance with the provisions of Section 2.309 (B) of this Charter. To the extent that there are no available unappropriated
629 revenues to meet such appropriations, the Town Council may by such emergency ordinance authorize the issuance of
630 emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall
631 be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

632 (C) Reductions. If at any time during the fiscal year it shall appear to the Town Council that the revenues available
633 will be insufficient to meet the amount appropriated, the Town Council shall then take such action, as it deems necessary to
634 prevent or minimize any deficit and may by ordinance reduce one (1) or more appropriations.

635 (D) Limitations, Effective Date. No appropriation for debt service may be reduced or transferred, and no
636 appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the
637 unencumbered balance thereof. The supplemental and emergency appropriations, and reduction or transfer of
638 appropriations authorized by this Section, may be made effective immediately upon adoption.

639 Section 3.106 - Transfer of Funds.

640 Any transfer of funds between appropriations proposed by the Town Manager or Chief Financial Officer must be
641 approved by the Town Council before becoming effective.

642 Section 3.107 - Expenditures in Excess of Appropriations.

643 No officer or employee shall during any fiscal year expend or contract to expend any money or incur any liability
644 or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts
645 appropriated for, or transferred to, that general classification of expenditure pursuant to this Charter. Any contract, verbal or

646 written, made in violation of this Charter shall be null and void. Nothing contained in this section, however, shall prevent
647 the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the
648 issuance of bonds, nor the making of contracts of lease or for services for any period exceeding the budget year in which
649 such contract is made, when such contract is permitted by law.

650 Section 3.108 - Lapse of Unexpended Appropriations.

651 All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or
652 lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year
653 and shall be carried into the subsequent fiscal year in the Town's cash balances.

654 Section 3.109 - Disposition of Fees Received by Town Officers and Employees.

655 All fees received by an officer or employee of the Town in his or her official capacity shall belong to the Town
656 and shall be accounted for to the Town.

657 Section 3.110 - Power to Tax.

658 The Town Council shall determine and fix a rate of taxation based upon the most recent assessment after the
659 budget [Section 3.104] has been adopted. The Town Council shall determine and fix a rate of taxation, which will produce
660 approximately the amount of money necessary to defray the expenses of the Town for the current year, including interest on
661 bonded indebtedness, for redemption of maturing bonds, and for maintenance of a sinking fund. The Town tax rate shall be
662 stated in terms of a certain rate on every One Hundred Dollars (\$100) of assessed valuation.

663 Section 3.111 - Taxing Power.

664 The Town Council shall have the power to levy and collect taxes on real property within the limits of the Town,
665 except that which is not assessable and taxable by virtue of any law of the State of Delaware, to defray the expenses of the
666 Town as determined pursuant to Section 3.110. The power to levy and collect taxes includes such amounts as are necessary
667 to pay the principal and interest on general obligation bonds of the Town, for redemption of maturing bonds and for the
668 maintenance of a building fund.

669 Section 3.112 – Revenues.

670 (A) Assessments

671 1. Assessments. In the manner provided by law, the Town shall value and assess all property liable to assessment
672 every five (5) years. All property that has increased in value because of additions, new buildings and improvements shall be
673 assessed annually. The Town shall also in the annual assessment revise the assessment with respect to all real estate which
674 has been sold or transferred during the year and keep current the assessment valuation of all other assessable property
675 within the Town. The Town shall notify property owners by letter when their assessment has changed.

676 2. Assessment List. The Town shall make a written record showing the property; name(s) of owner(s), arranged
677 alphabetically; the value of the property; and the amount of each owner's assessment.

678 3. Public Inspection. The assessment list shall be completed not later than the fifteenth (15th) day of February of
679 each year. The Town shall post a copy of the assessment list in the Melson Administrative and Public Safety Building for
680 public inspection and advertise by publication the inspection hours.

681 4. Appeals and Corrections. Any taxpayer of the Town aggrieved by the assessment on his or her property shall
682 notice the Town, in writing, within twenty (20) days after being notified by letter that the assessment has changed, or by
683 means of the posting of the assessment list for that year. Thereafter, Town Council shall hear and determine the appeal, and,
684 not later than the thirty-first (31st) day of March, certify the assessment roll in its final form.

685 5. Board of Assessment. The Town Council may, by ordinance, assign any or all of its power under this Section to
686 a Board of Assessment which shall be chosen in such fashion, serve for such term, and have such duties as the Town
687 Council may ordain.

688 After the valuation, assessment and any revision thereof, all taxes so assessed shall be levied and raised in equal
689 proportions and rates.

690 (B) Taxation of Real Estate Transfers

691 Transfer Tax. The Town Council of the Town of Ocean View shall levy, assess and collect, or provide for the
692 levying, assessment and collection of such taxes as determined by ordinance.

693 Section 3.113 - Assessments When Due and Payable; Penalty for Late Payment.

694 All Town taxes shall be due and payable May first (1st). After the thirty-first (31st) of August in the year in which
695 the taxes shall be due, a penalty of one and a half percent (1.5%) per month shall be added until the same shall have been
696 paid. The Council shall have the power to make just allowance for delinquencies in the collection of taxes.

697 Section 3.114 - Tax Collection.

698 (A) It shall be the duty of the Chief Financial Officer to proceed forthwith to collect all taxes in a fiscal year in
699 which assessed and, in the collection of said taxes, the Chief Financial Officer shall have all the same powers conferred
700 upon or vested in the Director of Finance for the Department of Finance of Sussex County.

701 (B) The provisions of Title 25, Sections 2901 through 2905 of the Delaware Code Annotated, as amended, with
702 reference to tax liens, shall be deemed and held to apply to all taxes late and opposed under the provisions of this Charter.

703 Section 3.115 - Authority to Borrow Money and Issue Bonds.

704 (A) The Town Council may borrow money, and issue bonds or certificates of indebtedness to secure the payment
705 thereof, on the faith and credit of the Town of Ocean View, to provide funds to defray the cost or the share of the Town of

706 the cost of any permanent municipal improvements or appeal bonds; provided, however, that the borrowing of the money
707 therefore shall have been authorized by the Town Council and shall have been approved in the following manner:

708 1. Council by ordinance shall be permitted to borrow for the cost of permanent municipal improvements or appeal
709 bonds. The ordinance shall state the amount of the money desired to be borrowed; the purpose for which it is desired; the
710 manner of securing the same; and other facts relating to the loan, which are deemed pertinent. Such ordinance shall be
711 passed by the affirmative vote of a majority vote of all members of the Town Council. The proposed borrowing ordinance
712 must follow the same procedures for approving any ordinance enacted by the Town Council. If the sum to be borrowed
713 does not exceed one-half percent (0.5%) of the current total assessable tax base of the Town of Ocean View in current fiscal
714 year, the ordinance becomes effective immediately.

715 2. If the sum of money to be borrowed exceeds one-half percent (0.5%) of the current total assessable tax base of
716 the Town of Ocean View, the ordinance shall not become operative until after a thirty-one (31) day waiting period to permit
717 the filing of a petition for a Borrowing Referendum to be filed.

718 3.a. If not less than thirty three percent (33%) of the qualified voters of the Town of Ocean View shall sign and
719 deliver to the Town Manager a petition calling for a Borrowing Referendum any time within the thirty-one (31) day waiting
720 period established above, the Town Council shall, within twenty (20) days, adopt a resolution proposing to the electors of
721 the Town that an amount of money be borrowed for any of the above purposes. The resolution shall state the amount of
722 money desired to be borrowed, the purpose for which it is desired, the manner or securing the same, and other pertinent
723 facts relating to the loan which are deemed pertinent by the Town Council, and ordering a Borrowing Referendum to be
724 held not less than thirty (30) nor more than ninety (90) days after the adoption of said resolution.

725 b. Notice of the date, time and place of holding of the said Borrowing Referendum shall be printed in two (2)
726 issues of a newspaper having a general circulation in the Town of Ocean View within thirty (30) days prior to the date of
727 said Borrowing Referendum.

728 c. At said referendum, every owner of property, whether an individual, partnership, corporation, or other entity,
729 shall have one (1) vote and every person who is a bona fide resident of the Town, but not an owner of property within the
730 municipal limits of the Town and who shall be entitled at the time of the Borrowing Referendum to register and vote in the
731 annual general election if such were held on the day of the Borrowing Referendum shall have one (1) vote whether or not
732 such person be registered to vote in the annual general election.

733 d. Any Borrowing Referendum shall be held pursuant to the provisions of this section shall be conducted by voting
734 machines that shall have the ballot:

735 [] For the proposed borrowing

736 [] Against the proposed borrowing.

737 The voter shall be instructed to mark the box for which he casts his vote.

738 e. In the event that an individual holds a power of attorney duly executed and acknowledged of another person or
739 the resolution of the governing body of a partnership, corporation, or other entity, specifically authorizing the said
740 individual to vote at the Borrowing Referendum, a duly authenticated copy of which has been filed in the Board of
741 Elections, such individual shall be entitled to cast the vote of such person, partnership, corporation, or other entity.

742 f. Immediately upon the closing of the polling place, the Board of Elections shall count the ballots for and against
743 the proposed borrowing and shall announce the results thereof and shall make a certificate under their hands of the number
744 of votes cast for and the number of votes cast against the proposed borrowing and the number of void votes and shall
745 deliver such certificate in duplicate to the Town Council. Said certificate shall be filed with the papers of the Town Council.

746 4. In the event that the Borrowing Referendum fails, no related ordinance shall again be considered for adoption
747 for a period of at least six (6) months from the date of the Borrowing Referendum.

748 5. If the Borrowing Referendum passes, the Town Council shall determine the form of indebtedness; the interest
749 rate; the time or times of payment of interest; the classes; the time or times of maturity; provisions as to registration; any
750 callable or redeemable provision; the denomination and name, and other relative or pertinent matters. The bond or bonds or
751 certificate or certificates of indebtedness may be sold at either public or private sale. The Council shall provide in its
752 budget, and in fixing the rate of tax, for the payment of interest and principal on said bonds at the maturity or maturities
753 thereof, and may establish a sinking fund therefore. The full faith and credit of the Town of Ocean View shall be deemed to
754 be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have
755 been properly executed and delivered for value. There shall be no limitation upon the amount which may be raised from the
756 taxation of real estate for the payment of interest on, and the principal of, any bonded indebtedness whether hereinbefore or
757 hereafter incurred.

758 6. The bonded indebtedness shall not at any time exceed in the aggregate the total sum of twenty-five (25%)
759 percent of the assessable value of the real property situate within the limits of the Town as shown by the last assessment
760 pending the creation of the said indebtedness.

761 (B) The Town Council of the Town of Ocean View shall have full power and authority to anticipate revenue by
762 borrowing upon the full faith and credit of the Town of Ocean View, when, in the opinion of the majority of the Town
763 Council, the needs of the Town of Ocean View demand it. The Town Council may secure such sum or sums of money so
764 borrowed by promissory notes of the Town executed by such officers as designated by Town Council, either with or
765 without the corporate seal of the Town of Ocean View affixed, as is requested by the Bank or persons advancing the money

766 on said notes. No officer or Council Member shall be personally liable for the payment of such note because it is signed by
767 them as officers or Council Member of the Town of Ocean View, and said note is authorized by ordinance of the Town
768 Council. And no part of the principal of or the interest on any borrowing authorized by this Section shall be taxable by the
769 State of Delaware or any political subdivision thereof.

770 (C) The Town Council may accept from any authorized agency of the State or Federal government, or from
771 persons, firms, or corporations, grants, loans, or contributions, and enter into agreements with such agency respecting such
772 loans or grants.

773 (D) The Town Council shall not borrow money for its annual budgetary needs.

774 Section 3.116 - Independent Audit.

775 The Council shall provide for an independent audit of all Town accounts and may provide for more frequent
776 audits, as it deems necessary. The person or persons selected to audit the accounts of the Town shall have no personal
777 interest, direct or indirect, in the fiscal affairs of the Town or any of its officers. An annual audit of the financial records of
778 the Town shall be made at the end of each fiscal year, the fiscal year being from May first (1st) of each year to April
779 thirtieth (30th) of the following year.

780 Article IV - Annexation

781 Section 4.101. Annexation of Property Five (5) Acres or Less:

782 The Town Council shall have the authority to annex any territory containing five (5) acres or less contiguous to the
783 Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of
784 the Delaware Code.

785 A. Any property owner(s) holding record fee title to real property in territory five (5) acres or less contiguous to
786 the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they
787 own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with
788 reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state
789 the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days following the filing
790 of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such
791 petition. A petition not so accepted within said one hundred eighty (180) days shall be null and void. The description for the
792 territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the
793 Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for
794 the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for
795 annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent

796 to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary
797 of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.

798 B. The Town Council shall introduce an ordinance proposing the annexation of such territory of five (5) acres or
799 less contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed,
800 state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with
801 the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

802 C. The Town Council, prior to adopting the annexation ordinance, shall require the Planning and Zoning
803 Commission (the Commission) to prepare a report to the Town Council as soon as practicable but no later than two (2)
804 months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed
805 annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the
806 recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.

807 D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and
808 to the territory proposed to be annexed, the Town Council may then adopt the ordinance annexing such territory into the
809 Town of Ocean View. Such ordinance shall be adopted by the affirmative vote of a majority of all members elected to the
810 Town Council.

811 E. If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected the
812 Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6)
813 months from the date that the ordinance failed to receive the required affirmative vote.

814 F. If the ordinance shall be adopted, annexation as provided therein shall become effective immediately after the
815 certification of the Commissioners' vote. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the
816 Mayor and certified by the Town Clerk, with the Town seal affixed, together with a plot of the area annexed, shall forthwith
817 be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware, but in no event shall said
818 recordation be completed more than ninety (90) days following the date of adoption. The failure to record the description or
819 the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective
820 at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

821 Section 4.102. Annexation of Property More Than Five (5) Acres.

822 The Town Council shall have the authority to annex any territory containing more than five (5) acres contiguous to
823 the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title
824 22 of the Delaware Code

825 A. Any property owner(s) holding record fee title to undeveloped or primarily developed real property in territory
826 containing more than five (5) acres contiguous to the then existing corporate limits of the Town may petition the Town
827 Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and
828 acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the
829 property owned by each petitioner therein; and state the reasons for the requested annexation. The Town Council may,
830 within one hundred eighty (180) days following the filing of such petition in the Town Office, vote to accept such petition
831 and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty
832 (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or
833 way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental
834 authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor
835 that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other
836 waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided
837 however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed
838 into the limits and the bounds of the Town of Ocean View.

839 B. The Town Council shall introduce an ordinance proposing the annexation of such territory of more than five (5)
840 acres contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be
841 annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification
842 consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

843 C. The Town Council prior to adopting an annexation ordinance shall require the Planning and Zoning
844 Commission (the Commission) to prepare a report to the Town Council as soon as practicable but no later than two (2)
845 months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed
846 annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the
847 recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.

848 D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and
849 to the territory proposed to be annexed, the Town Council of Ocean View may then pass the ordinance annexing such
850 territory to the Town of Ocean View. Such ordinance shall be adopted by the affirmative vote of all members elected to the
851 Town Council.

852 E. The annexation ordinance shall not become effective until thirty-one (31) days after adoption. After the thirty-
853 one (31) day waiting period and, if not contested, a copy of the annexation ordinance signed by the Mayor and certified by
854 the Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording

855 in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The Failure to record the description or the plot
856 within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the
857 expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

858 F. If the ordinance shall fail to receive the affirmative vote of a majority of all members elected the Town Council,
859 the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date
860 that the ordinance failed to receive the required affirmative vote.

861 G. If not less than thirty-three percent (33%) of the qualified voters of the Town of Ocean View disagree with the
862 decision of the Town Council, they may sign a petition calling for an Annexation Referendum (Special Election). The
863 Annexation Referendum Petition shall be filed with the Town Clerk not later than thirty (30) days following the adoption of
864 the annexation ordinance by the Town Council. Within twenty (20) days the Commissioners shall fix the date of the
865 Annexation Referendum (Special Election) which shall be not less than thirty (30) nor more than ninety (90) days
866 thereafter.

867 H. At the Annexation Referendum, every qualified voter shall have one (1) vote. Immediately upon the closing of
868 the polling place, the Election Board shall count the ballots for and against the proposed annexation and shall announce the
869 results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and
870 shall deliver the same to the Town Council. Said Certificate shall be filed with the papers of the Town Council.

871 I. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters
872 voted against the annexation, no part of the territory proposed to be annexed shall again be considered for annexation for a
873 period of at least one (1) year from the date of the Annexation Referendum (Special Election).

874 J. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters
875 voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the
876 Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with
877 the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the
878 Recorder of Deeds in and for Sussex County, Delaware. The failure to record the description or the plot within the specified
879 time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the
880 ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

881 Section 4.103 Annexation of Property with Less than Unanimous Petition of Property Owners.

882 The Town Council shall have the authority to annex any territory, without regard to size, contiguous to the Town
883 by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the
884 Delaware Code.

885 A. If more than one-half (1/2) of property owners, but not all the property owners, resident in a territory
886 contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in
887 which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall
888 describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner
889 therein; and state the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days
890 following the filing of such petition in the Melson Administrative and Public Safety Building, vote to accept such petition
891 and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty
892 (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or
893 way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental
894 authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor
895 that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other
896 waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided
897 however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed
898 into the limits and the bounds of the Town of Ocean View.

899 B. The Town Council shall introduce an ordinance proposing the annexation of such territory contiguous to the
900 Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for
901 the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted
902 comprehensive plan, and shall contain such other provisions as shall be required by law.

903 C. The Town Council prior to adopting an annexation ordinance shall require the Planning and Zoning
904 Commission to prepare a report to the Town Council as soon as practicable but no later than two (2) months from the initial
905 request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the
906 Town of Ocean View and to the territory proposed to be annexed, and shall contain the recommendation of the Commission
907 whether or not to proceed with the proposed annexation and the reasons therefore.

908 D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and
909 to the territory proposed to be annexed, the Town Council of Ocean View may then pass the ordinance annexing such
910 territory to the Town of Ocean View. Such ordinance shall be adopted by the majority vote of all members of the Town
911 Council.

912 E. The annexation ordinance shall not become effective until after the Annexation Referendum (Special Election)
913 referred to hereinafter. The Council shall at the time of adoption fix the date of the Annexation Referendum which shall be
914 not less than thirty (30) nor more than ninety (90) days thereafter.

915 F. At the Annexation Referendum, every qualified voter shall have one (1) vote. Immediately upon the closing of
916 the polling place, the Board of Elections shall count the ballots for and against the proposed annexation and shall announce
917 the results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and
918 shall deliver the same to the Town Council. Said Certificate shall be filed with the papers of the Town Council.

919 G. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters
920 voted against the annexation, no part of the territory proposed to be annexed shall again be considered for annexation for a
921 period of at least one (1) year from the date of the Annexation Referendum (Special Election).

922 H. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters
923 voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the
924 Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with
925 the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the
926 Recorder of Deeds in and for Sussex County, Delaware. The failure to record the description or the plot within the specified
927 time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the
928 ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

929 Article V - Personnel System

930 Section 5.101 - Personnel System.

931 The Town Council shall establish a personnel system relating to all appointments and promotions of Town officers
932 and employees and their compensation, pension, and such other benefits as the Town Council shall deem necessary and
933 best. The Town Manager shall be responsible for administering the personnel system of the Town of Ocean View, and shall
934 prepare such rules and regulations as are necessary to comply with this Charter. Appeal procedures for personnel decisions
935 of the Town Manager may be established by the Town Council by ordinance.

936 Article VI - Contracts, Conflict of Interest and Financial Disclosure

937 Section 6.101 - Contracts In General.

938 All purchases and contracts for Town government shall be made by the Town Manager. The Council may provide,
939 by ordinance, for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and
940 contracts.

941 Section 6.102 - Bidding, Awards.

942 All expenditures for supplies, materials, equipment, construction and labor of public improvements or contractual
943 services involving more than Seven Thousand Five Hundred Dollars (\$7,500) shall be by public competitive bidding. The
944 Town Manager shall be required to advertise for bids, in the manner as may be prescribed by ordinance for all such public

945 competitive bidding. If the Town Council shall determine not to adopt such an ordinance, the procurement of material and
946 the provision of labor shall be governed by the laws of the State of Delaware applicable to State agencies. All such
947 contracts shall be approved by the Council before becoming effective and shall be protected by such bonds, penalties and
948 conditions as the Town may require.

949 All contracts involving professional services, such as accounting, architecture, auditing, engineering, law, planning
950 and surveying, need not be on a bid basis but may be negotiated by the Town Manager or the Council. The Town Manager
951 shall advertise the intention to negotiate for such professional services prior to making any contract in excess of Seven
952 Thousand Five Hundred Dollars (\$7,500).

953 Article VII - Transitional Matters

954 Section 7.101 - Status and Effect of this Act.

955 This Charter shall repeal "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware," that Act
956 being Chapter 202, Volume 73, Laws of Delaware, together with all amendments thereto.

957 Section 7.102 - Separability.

958 If any article, section, provision or clause of this Charter is held invalid, the other provisions shall not be affected
959 thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the
960 application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

961 Section 7.103 - Validation; Continuance of Local Ordinances.

962 All powers conferred upon or vested in the Town of Ocean View or the Town Council by any Act or Law of the
963 State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the
964 Town of Ocean View and/or the Town Council precisely as if each of said powers was expressly repeated in this Charter.
965 All ordinances, adopted by the Town Council and in force at the time of the approval, acceptance and going into effect of
966 this Charter, are continued in force until the same or any of them shall be repealed, modified or altered by the Town
967 Council under the provisions of this Charter.

968 All the Acts, contracts entered into, and doings of the Town Council or of any official of the Town of Ocean View,
969 which shall have been lawfully done or performed under the provisions of any Law of this State or of any ordinance of the
970 Town Council, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed,
971 unless otherwise provided herein.

972 All taxes, assessments, license fees, penalties, fines and forfeitures due the Town Council or the Town of Ocean
973 View shall be due the Town of Ocean View or the Town Council, and all debts due from the Town of Ocean View or Town
974 Council shall remain unimpaired until paid by the Town of Ocean View or the Town Council.

975 All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges
976 shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully
977 imposed by the Town Council.

978 The Bonds given by or on account of any official of the Town of Ocean View shall not be impaired or affected by
979 the provisions of this Charter.

980 All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

981 This Charter may be reviewed at any time at the direction of the Town Council, but the Town Council shall fully
982 review this Charter at a minimum of one (1) time in a ten (10) year period. Whenever the masculine gender has been used
983 in this Charter, it shall be construed to include the feminine gender.

984 This Charter shall be taken as and deemed to be a Public Act of the State Delaware.”

SYNOPSIS

After review by the Town Council, the Town’s staff, and based upon its historical experience with the current Charter, and after conducting public hearings, the Town Council proposed the reincorporation of the Town.

The following articles and sections would be amended or modified by the new Charter as follows:

1. Article I, Section 1.102, relating to Corporate Limits provides:

(a) All previously annexed properties have been added to the verbal description of the Town limits;
(b) Includes adjacent streets, roads and streams, rivers and canals, or other waterways to the centerline contiguous with or adjacent to the limits and bounds of the Town; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be included in the limits and the bounds of the Town of Ocean View; and

(c) Clarifies that no Charter amendment is required for land annexed into the Town; and

2. Article II, Section 2.1 deletes the title: “Town Manager and Chief Financial Officer, Town Clerk,” and replaces it with “Town Officers.”

3. Article II, Section 2.101, relating to Town Manager, for purposes of clarity defines that the Town Manager shall be appointed “by a majority vote of all members of the Town Council.”

4. Article II, Section 2.102, relating to Town Manager, for purposes of clarity adds that the Town Manager shall be the chief administrative officer of the Town, and to see that:

(a) Governing laws, regulations, and ordinances are faithfully executed and enforced;
(b) Make an annual report and “other reports” to the Council and to the public “from time to time”;
(c) Authorizes the Town Manager to “sign contracts, bonds, or other instruments that require the assent of the Town”; and

(d) Do such other things as the Council may “require, or as may be required elsewhere in the Charter, by State Law, or by ordinance.”

5. Article II, Section 2.103, relating to Chief Financial Officer, modifies:

(a) The reporting role of the Chief Financial Officer from reporting to the Council to reporting to the Town Manager; and

(b) Allows the removal of the Chief Financial Officer by a majority vote of all members of the Council.

6. Article II, Section 2.105, relating to Town Clerk, amends:

(a) The appointment of the Town Clerk from the Council to the Town Manager;
(b) Authorizes the Town Manager to appoint a substitute person to perform the duties of the Town Clerk;
(c) Authorizes the Town Manager to appoint an Acting Town Clerk if the position is vacant or the Town Clerk is unable to serve; and

(d) The Town Clerk will also serve as the Town Manager’s Executive Assistant.

7. Article II, Section 2.201, relating to the Mayor and Term of Office, adds the following:

(a) That the Mayor is elected and sworn into office “except as provided in Section 2.515”; and
(b) Changes the date of the Mayor taking office from the first Tuesday in April to the Fourth Tuesday in April.

8. Article II, Section 2.202, relating to Mayor’s Qualifications, inserts the following language for purposes of

clarity: a qualified registered voter “(as defined by this Charter) to” the Town of Ocean View.

9. Article II, Section 2.203, relating to the Mayor’s Compensation changes the date for computing the annual CPI for compensation for the Mayor from January to the previous December.

10. Article II, Section 2.204, relating to the Mayor, changes the title from “Powers, Duties,” to “Powers, and Duties, and Removal”; and

(a) For purposes of clarity provides that the Mayor may be removed from office after a public hearing by a four-fifths vote of all members of the Council; and

(b) For the following reasons: (a) lacks, at any time during his/her term of office, any qualification for his/her office prescribed by this Charter or by law; or (b) is convicted of a felony or any crime involving moral turpitude.

11. Article II, Section 2.301, relating to the Council and its composition, for purposes of clarity:

(a) Adds the Arabic number (4) after the word four;

(b) Capitalizes the word Members;

(c) Changes the time of taking office for Council members from the second Tuesday April to the fourth Tuesday in April; and

(d) Adds the Arabic number (2) after the word two.

12. Article II, Section 2.302, relating to Council Qualifications inserts, the language “Defined by this Charter” for further clarity of the Council member’s qualifications.

13. Article II, Section 2.303, relating to Council Compensation, capitalizes the word Member; changes the date for the CPI from January to December; and adds the following language: “The effective date of the increase will be the first of January.”

14. Article II, Section 2.304, relating to Council Meetings and Procedures, inserts for purposes of clarity:

(a) A compliance statement with the Delaware Freedom of Information Act (Title 29, Chapter 100 of the Delaware Code) as amended from time to time;

(b) Adds the language “Charter and/or by State Law;

(c) Adds the Arabic letter (1) after the word one;

(d) Adds deletes the word “Town Hall and replaces it with the “Melson Administrative and Public Safety Building;” and

(e) In paragraph two adds “State law and/or by ordinance.”

15. Article II, Section 2.305, relating to Council adds to the title “and Removal.”

16. Article II, Section 2.305, relating to Council, for purposes of clarity provides additional language to the Charter outlining the procedures for removal of a Councilman. The added language conforms to the same language used for the removal of the Mayor as outlined in Article II, Section 2.204.

17. Article II, Section 2.309 Item A, relating to Procedure for Enacting Ordinances, clarifies that the reading of a proposed ordinance’s title to be sufficient for the reading of an ordinance in a public hearing and in Item B allows for emergency ordinances to become effective immediately if passed by four-fifths (4/5ths) majority of the entire Council membership.

18. Article II, Section 2.311, relating to Penalties for Breach of Ordinance, deletes the words “the penalty shall be as defined by the specific ordinance.” This allows the Town to enact one ordinance covering the penalty fees for all ordinances.

19. Article II, Section 2.313, relating to Council Powers, inserts language as follows:

(a) Clarifies for the appointment of a Certified Public Accounting Firm to conduct an audit of the Town’s books and accounts;

(b) Clarifies the Town’s the ability to issue bonds for capital projects, public works projects and appeal purposes; and

(c) Clarifies the Town’s ability to delegate Town functions to a third party (such as contractors to do work for the Town or to outsource certain functions and duties).

20. Article II, Section 2.401, relating to the Town Solicitor, for purposes of clarity deletes the words “other officers of the” Town and inserts the word “Officers” after the word Town.

21. Article II, Section 2.503, relating to Board of Elections:

(a) Re-names the “Board of Supervisors of Elections” to “Board of Elections”;

(b) Stipulates that if a vacancy occurs on the Board of Elections, the Council shall fill the vacancy; and

(c) That each member of the Board of Elections shall satisfy the requirements for office as set forth in Title 15 of the Delaware Code.

22. Article II, Section 2.504, re-names the Board of Supervisors of Elections to the Board of Elections.

23. Article II, Section 2.505, relating to the Board of Elections, provides further clarity about Town employee involvement in municipal elections with the Board of Elections.

24. Article II, Section 2.506, relating to Notice of Elections, inserts language that the notices of elections comply with Title 15 of the Delaware Code.

25. Article II, Section 2.508, relating to Appeals of Elections, inserts language that appeals from decisions of the

Board of Elections complies with Title 15 of the Delaware Code.

26. Article II, Section 2.509, relating to nominating procedures, for purposes of clarity:

(a) Changes the name of the Certification of Nomination form to run for elective office to Certification of Intent;

(b) Raises the filing fee from \$20.00 to \$50.00; and

(c) Requires the Town Manager to conspicuously post at least twenty (20) days prior to the deadline for filing for the Council or for Mayor.

27. Article II, Section 2.510, changes the name of Board of Supervisors of Elections to Board of Elections.

28. Article II, Section 2.511, relating to Absentee Ballots, eliminates language about how to cast an absentee ballot in an election with replacement language that describes that absentee voting must comply with Title 15 of the Delaware Code.

29. Article II, Section 2.512, changes the name from Board of Supervisors of Elections to Board of Elections.

30. Article II, Section 2.513, changes the name from Board of Supervisors of Elections to Board of Elections.

31. Article II, Section 2.514, relating to Preservation of Ballots, inserts the words "Non-Electronic."

32. Article II, Section 2.516, relating to Power of Council to Regulate Elections, inserts the words "or State law."

33. Article III, Section 3.102, relating to the Duty to Prepare an Annual Budget, deletes the words "in consultation with the Chief Financial Officer."

34. Article III, Section 3.104, relating to the Adoption of a Budget, changes the time of notice for public hearing about adoption of an annual budget from two (2) weeks' notice prior to the public hearing to adopt to fifteen (15) days.

35. Article III, Section 3.105, relating to Appropriations, for purposes of clarity in Section (A) deletes the words Town Mayor and replaces it with the words Town Manager. In Section (B) deletes 2.310 (d) and replaces it with 2.309 (B); and in Section (C) inserts the Arabic word 1 after the word one.

36. Article III, Section 3.107, relating to Expenditures deletes the word "budget" and replaces it with "fiscal year."

37. Article III, Section 3.108, relating to Unexpended Funds, for purposes of clarity deletes the following language: "be included among anticipated revenues for the next budget year" and replaces it with the following language: "be carried into subsequent fiscal year in the Town's cash balances."

38. Article III, Section 3.111, renames the section from "Limitation of Taxing Powers" to "Taxing Powers."

39. Article III, Section 3.112, relating to Revenues, deletes the word Town Office in item 3. A. and replaces it with "Melson Administrative and Public Safety Building."

40. Article III, Section 3.115, relating to Authority to Borrow Money and Issue Bonds:

(a) Adds the words "or appeal bonds;"

(b) For purposes of clarity changes the language in item A. 1. from "affirmative vote of a majority of all elected members" to "affirmative vote of a majority vote of all members;"

(c) In item (b) adds the Arabic numeral (2) after the word two;

(d) In item (c) adds the Arabic numeral (1) after the word one;

(e) In item (e) deletes the words "Supervisors of Town;"

(f) In item (f) deletes the words "Supervisors of;"

(g) In Item (B) for purposes of clarity adds the word "full," deletes the word "said," and changes the name of Councilperson and Councilmen to Council Member.

41. Article IV, Section 4.101, relating to Annexations of Properties Less Than five (5) acres:

(a) Adds the language "in addition to the requirements for Annexation in Title 22 of the Delaware Code;"

(b) Changes Town Council approval or disapproval of a submitted annexation petition from 120 days to 180 days; and

(c) Inserts language allowing the Public Safety Department permission to have jurisdiction over any public road, public right of way, corridor, or stream, river, canal, or other waterways to the centerline thereof that is contiguous with or adjacent with the proposed area to be annexed.

42. Article IV, Section 4.102, relating to Annexation of Five (5) or more acres:

(a) Adds the language "in addition to the requirements for Annexation in Title 22 of the Delaware Code," and

(b) Changes Town Council approval or disapproval of a submitted annexation petition from 120 days to 180 days. (This change allows the Council an additional 60 days to consider an annexation petition on property of five acres or less).

43. Adds Article IV, Section 4.103, Annexation of Property with Less than Unanimous Petition of Property Owners. This provides a third alternative for the Town in the annexation process and restores original language concerning annexation procedures that existed in the previous Town Charter.

44. Article V, Section 5.101, relating to Personnel Systems, deletes the wording in this section from "and shall present the same to the Town Council for consideration of enactment by ordinance" and replaces it with the following: "Appeal procedures for personnel decisions of the Town Manager may be established by the Town Council by ordinance." The language change provides for better clarity.

45. Article VII, Section 7.101, relating to Status and Effect of this Act, deletes Chapter 640, Volume 18 and

replaces it with Chapter 202, Volume 73 and language amending the current Charter to incorporate the changes suggested in the proposed Resolution for adoption.

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