

Laurel**Incorporation****Section 1.**

The inhabitants of the Town of Laurel within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided are hereby declared to be a body politic incorporated in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of Judicature whatsoever by the corporate name of ... "The Town of Laurel".

Territorial Limits**Section 2.**

The boundaries of the Town of Laurel are hereby established and declared to be as recorded on the official map of record in the Recorder of Deeds Office for Sussex County in the State of Delaware and/or the official map maintained of record by the Department of Planning and Zoning of Sussex County Delaware (official copies to be kept in the Town's Administrative Offices) as presently exist and as hereinafter amended.

In addition to the aforesaid, the Territorial Limits of the Town of Laurel shall also include all land annexed in the future by the Town of Laurel pursuant to Section 3 of this Charter. The Council may, at any time hereafter, cause a survey and plot to be made of the Town, and the survey and plot, when made and approved by the Council, shall be recorded in the offices of the Recorder of Deeds in and for Sussex County, State of Delaware, and/or filed with the Department of Planning and Zoning of Sussex County Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State. 79 Del. Laws, c. 21, § 1

Annexation Of Territory**Section 3.**

In the event it becomes feasible and necessary in the future for The Town of Laurel to enlarge its then existing limits and territory, such annexation accomplished pursuant to the following procedures shall be lawful:

- (a) If all of the property owners of the territory contiguous to the then existing corporate limits and territory of The Town of Laurel, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Laurel shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition represented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Laurel. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Laurel and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Laurel may then pass a second Resolution annexing such territory to The Town of Laurel. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by five (5) or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of The Town of Laurel.
- (b) If five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of The Town of Laurel by written Petition with the signature of each such Petitioner duly acknowledged shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Laurel shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town

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Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or the Town Council, by majority vote of the elected members thereof may, by resolution, propose that a committee composed of not less than three (3) of the elected members of the Town Council be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of The Town of Laurel.

- (c) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the Town Council of Laurel. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Laurel and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second Resolution shall then be passed by the Town Council proposed to the property owners and residents of both The Town of Laurel and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the Committee, the Resolution proposing annexation to the property owners and residents of both the Town and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the Town Council. If the Resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the Resolution failed to receive the required affirmative vote. The second Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper having a general circulation in The Town of Laurel and in the territory proposed to be annexed at least one (1) week prior to the date set for the public hearing, or, at the discretion of the Town Council, the said Resolution shall be posted in four (4) public places both in The Town of Laurel and in the territory proposed to be annexed.
- (d) Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then be passed by a majority of the Town Council ordering a Special Election to be held not less than thirty (30) nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. Passage of this Resolution shall ipso facto be considered the determination of the Town Council to proceed with the matter of the proposed annexation.
- (e) The notice of the time and place of said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in The Town of Laurel and in the territory proposed to be annexed, or, in the discretion of the Town Council, the said notice may be posted in four (4) public places, both in The Town of Laurel and in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the said Special Election.
- (f) At the Special Election, every property owner, whether an individual, partnership or a corporation both in The Town of Laurel and in the territory proposed to be annexed shall have one (1) vote. Every citizen of either The Town of Laurel or of the territory proposed to be annexed over the age of eighteen (18) years who is not a property owner shall have one (1) vote. In the event that a person owns property both in The Town of Laurel and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in The Town of Laurel and in the territory proposed to be annexed but does not reside in either place, he may vote only in The Town of Laurel and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed for taxation shall not be entitled to vote. The books and records of The Town of Laurel in the case of property owners and citizens of the Town and the books and records of the Board of Assessment of Sussex County in the case of property owners and residents of the territory proposed to be annexed shall be conclusive evidence of the right of such property owners and citizens to vote at the Special Election.
- (g) In the event that an individual holds a Power of Attorney duly executed and acknowledged specifically authorizing the said individual to vote at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of the Town Manager of The Town of Laurel. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election.
- (h) The Town Council of The Town of Laurel shall cause voting machines to be used or, in the discretion of the Town Council, paper ballots may be used in the Special Election, the form of ballot to be printed as follows:

For the proposed annexation _____
Against the proposed annexation _____

- (i) The Mayor of The Town of Laurel shall appoint three (3) persons to act as a Board of Special Election, at least one (1) of whom shall own property in The Town of Laurel and at least one (1) of whom shall own property in the property proposed to be annexed. One (1) of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in a public place as designated by the Resolution calling the Special Election. The Board of Special Election shall have available, clearly marked, two (2) voting machines or, in the discretion of the Town Council, paper ballots may be used in which the Board of Election shall have available sufficient ballots. All votes cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be accomplished on one such voting machine and all ballots cast by those persons, partnerships, or corporations who are authorized to vote as residents or property owners of The Town of Laurel shall be accomplished on the other such voting machine. In the event paper ballots are used, the Board of Election shall have available two (2) ballot boxes. All ballots cast by the persons, partnerships or corporations authorized to vote as resident or property owners in the territory proposed to be annexed shall be deposited in one such ballot box and all ballots cast by those persons authorized to vote as residents or property owners of The Town of Laurel shall be deposited in the other such ballot box. The polling place shall be open from twelve o'clock noon, prevailing time, until six o'clock in the afternoon, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.
- (j) immediately upon the closing of the polling place the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the Town Council of The Town of Laurel. Said Certificate shall be filed with the papers of the Town Council.
- (k) in order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from The Town of Laurel and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one (1) year from the date of the said Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Laurel shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be a part of The Town of Laurel from the time of recordation. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.
- (l) If the territory proposed to be annexed includes only territory which is exempt from taxation or which is not assessed on the books on the Board of Assessment of Sussex County, no election shall be necessary and the Town Council of The Town of Laurel may proceed to annex such territory by receiving a certified copy of a Resolution requesting such annexation if such property is owned by a corporation or by a written Petition with the signature of each such Petitioner duly acknowledged, if such property is owned by an individual, requesting the Town Council to annex that certain territory in which they own property. The certified copy of the Resolution or the Petition shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Upon receipt of the certified copy of the Resolution or the Petition, the Mayor of The Town of Laurel shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Laurel. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Laurel and to the territory proposed to be annexed and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Laurel may then pass a second Resolution annexing such territory to The Town of Laurel.

Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the Resolution shall be passed by three-fourths (3/4) of all the elected members of the Town Council. If the Resolution fails to receive the required number of votes, no part of the territory proposed for annexation shall again be proposed for annexation for a period of one (1) year from the date that the Resolution failed to receive the required votes. If the Resolution receives the required number of votes, the Town Council of The Town of Laurel shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County and in no event shall such recordation be completed more than ninety (90) days following the passage of the Resolution. The territory considered for annexation shall be considered to be a part of The Town of Laurel from the time of recordation. The failure of the Town Council to record the description and plot within the time hereinbefore specified shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the passage of the Resolution.

Structure Of Government

Section 4.

- (a) The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein shall be vested in the Mayor and the Town Council. The Town Council shall be composed of six (6) members, each of whose terms shall be for a period of four (4) years, commencing at the Organization Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified. The term of the Mayor shall be two (2) years, commencing at the Organization Meeting and continuing until his successor is duly elected and qualified. All references in this Charter to the Council or Town Council performing its functions shall be deemed to include the Mayor as a voting member thereof.
- (b) Four members of the Town Council shall be nominated and elected from the several Wards in which they reside, and two (2) members shall be nominated and elected from the Town at large. No more than two (2) members of the Council shall be nominated and elected from any one (1) Ward, and if, at any time, by removal from a Ward or a change of Ward limits or otherwise, more than two (2) members of the Town Council shall become residents of the same Ward, the term of office of that member last becoming a resident of the Ward shall immediately terminate and the office shall become vacant. If the Mayor or any member of the Town Council shall cease to be a resident of the Town, the term of office shall end and the office shall immediately become vacant.
- (c) If a vacancy, for whatever cause, shall occur in the office of Mayor, the President of the Town Council shall nominate a qualified person to hold office for the remainder of the term with the advice and consent of a majority vote of the elected members of the Town Council. Such person so confirmed shall serve as Mayor until the next General Municipal Election.
- (d) If a vacancy, for whatever cause, shall occur in the office of any member of the Town Council, the Mayor shall nominate a qualified person to hold office for the remainder of the term with the advice and consent of a majority of the remaining members of the Town Council. Such person so nominated and confirmed shall serve as a member of the Town Council for the remainder of the term.
- (e) The Mayor shall receive an annual salary of \$1,920, the time of payment to be determined by the Town Council, but in no event shall such salary be paid less than quarterly. The salary of the mayor may be increased by a Resolution adopted by two-thirds of all of the elected members of the Town Council. 75 Del. Laws, c. 46
- (f) Each member of the Town Council shall receive an annual salary of \$960, the time of payment to be determined by the Town Council, and to be the same as the time of payment of the salary of the Mayor, but in no event shall such salary be paid less frequently than quarterly. The salary of the members of the Town Council may be increased by a Resolution adopted by two-thirds of all the elected members of the Town Council, but in no event shall the salary for a member of the Town Council equal or exceed the salary to be paid to the Mayor. 75 Del. Laws, c. 46

Ward Limits

Section 5.

There are hereby created and established four (4) Wards for The Town of Laurel, as follows:

- (a) First Ward: Beginning at a point in the center line of Central Avenue at its intersection with the center line of Front Street; thence in an easterly direction along and with the center line of Front Street, Cooper Street, and Fourth Street to a point in the eastern corporate limits of The Town of Laurel; thence in a southern direction along and with the eastern corporate limits of 'Me Town of Laurel to the Intersection of the eastern corporate limits of the southern corporate limits of The Town of Laurel: thence along and with the southern corporate limits of The Town of Laurel in a westerly direction to the intersection of the southern corporate limits of The Town of Laurel with the center line of Central Avenue; thence in a northerly direction along and with the center line of Central Avenue to the place of beginning.
- (b) Second Ward: Beginning at a point in the center line of Central Avenue at its intersection with the center line of West Sixth Street; thence in a westerly direction with the center line of West Sixth Street to the intersection of the center line of West Sixth Street and the center line of Webb Avenue; thence in southerly direction with the center line of Webb Avenue to its intersection with the center line of West Seventh Street; thence in a westerly direction with the center line of West Seventh Street to its intersection with the center line of Greens Avenue; thence in a southerly direction with an extension of Greens Avenue to the northern bank of Little Creek, thence following the meanderings of the northern bank of Little Creek to its intersection of the southern bank of Broad Creek; thence following the meanderings of the southern bank of Broad Creek to its intersection with the western bank of Spring Branch; thence following the western bank of Spring Branch in a northerly direction to the intersection with the northern property line of lands of The Town of Laurel; thence following the property line of lands of The Town of Laurel in an easterly and northerly direction to the southern right of way lane of Old Sailor Road; thence in a southeasterly direction and following the southern right of way line of Old Sailor Road to its intersection with the western right of way line of Penn Central Railway line of Penn Central Railroad Company; thence in a southern direction with the western right of way line of the Penn Central Railroad Company to the intersection of the right of way line of the Penn Central Railroad Company with the southern bank of Broad Creek; thence following the meanderings of the southern bank of Broad Creek in an easterly direction to its intersection with the eastern right of way line of Poplar Street; thence along and with the eastern right of way line of Poplar Street in a northern direction to the intersection of the eastern right of way line of Poplar Street with the center line of Central Avenue; thence with the center line of Central Avenue in a southerly direction the place of beginning.
- (c) Third Ward: Beginning at the intersection of the center line of Central Avenue and West Sixth Street; thence along and with the center line of Central Avenue in a southerly direction to southern corporate limits of The Town of Laurel; thence in a westerly direction along and with the southern corporate limits of The Town of Laurel to the intersection of the southern corporate limits of The Town of Laurel and the eastern right of way line of Penn Central Railroad Company; thence in a northerly direction along and with the eastern right of way line of Penn Central Railroad Company to the intersection of the eastern right of way line of Penn Central Railroad Company and the lands now or formerly of Charles N. Landon, Inc., also a corner of the southern corporate limits of The Town of Laurel; thence in a westerly direction along and with the southern corporate limits of The Town of Laurel to the eastern bank of Little Creek; thence following the meanderings of the eastern bank of Little Creek to its intersection with the extension of the center line of Greens Avenue; thence in a northerly direction with the center line of the extension of Greens Avenue to its intersection with the center line of West Seventh Street; thence in an easterly direction with the center line of West Seventh Street to its intersection with the center line of Webb Avenue; thence in a northerly direction with the center line of Webb Avenue to its intersection with the center line of West Sixth Street; thence in an easterly direction with the center line of West Sixth Street to its intersection with the center line of Central Avenue, the place of beginning.
- (d) Fourth Ward: Beginning at the intersection of the center line of Central Avenue with the center line of Front Street; thence in a northerly direction along and with the center line of Central Avenue to its Intersection with the center line of State Route 78 and a point in the corporate limits of The Town of Laurel; thence along and with the center line of State Route 78 in a northwesterly direction such distance as is required to reach the line of lands now or formerly of W. Franklin Oliphant; thence along and with the property line of lands now or formerly of W. Franklin Oliphant to the eastern right of way line of Vineyard Road to the line of lands now or formerly of Leland Parsons; thence along and with the property line of lands now or formerly of Leland Parsons to the center line of U.S. Route 13A; thence in a southerly direction with the center line of U.S. Route 13A to the line of lands now or formerly of Dairy Markets, Inc., and Elsie D. Truitt; thence in an easterly direction along and with the line of lands now or formerly of Dairy Markets, Inc., such distance as is required to reach the northwesterly right of way line of Delaware Route 468; thence crossing Delaware Route 468 to the

southeastern right of way line of Delaware Route 468; thence along and with the southeasterly right of way line of Delaware Route 468 such distance as is required to reach the northeasterly intersection of Wilson Street and Delaware Route 468; thence along and with the Southeastern right of way line of Delaware Route 468 north 16 degrees 03 minutes west a distance of 1.027.98 feet, or such distance as is required to reach a point in the division line of lands now or formerly of Hazel Moore; thence along and with the division line of lands now or formerly of Hazel Moore south 65 degrees 09 minutes east such distance as is required to reach a point in the northwestern right of way line of Delaware Route 468; thence along and with the northwestern right of way line of Delaware Route 468 in a southerly direction to a point marking an extension of the line of lands now or formerly of Edward N. and Alverna J. Dickerson; thence along and with the extension of the line of lands now or formerly of Edward N. and Alverna J. Dickerson in a Southerly direction and crossing Delaware Route 468 to a point in the line of lands now or formerly of Edward N. and Alverna J. Dickerson; thence with the line of lands now or formerly of Edward N. and Alverna J. Dickerson, Paul Barron and A.H. Mumford Estate; thence with the line of lands now or formerly of Paul Barron and A.H. Mumford Estate in a southerly direction to the southeastern right of way line of Daniel Street Extended; thence along and with the southeastern right of way line of Daniel Street Extended westerly to the southeastern intersection of Wilson Street and Daniel Street; thence along and with the eastern right of way line of Wilson Street such distance as is required to reach the southeastern intersection of Wilson Street and Delaware Route 9; thence along and with the southerly right of way line of Delaware Route 9 in an easterly direction such distance as is required to reach the western bank of an unnamed branch or ditch, and marking a corner for the eastern corporate limits of The Town of Laurel in a southerly and southeastern direction such distance as is required to reach a point where the eastern corporate limits of The Town of Laurel intersect with the center line of Fourth Street; thence following the center line of Fourth Street, Cooper Street and Front Street, to the intersection of the center line of Front Street with the center line of Central Avenue, the place of beginning.

Qualifications For Mayor And Town Councilman

Section 6.

The qualifications for Mayor and Town Councilman at the time of filing his Candidate Filing Form shall be as follows:

- (a) The Mayor shall be at least twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Laurel and a registered voter of The Town of Laurel.
- (b) The Town Councilman from the First Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Laurel and a bona fide resident of the First Ward, and a registered voter of The Town of Laurel.
- (c) The Town Councilman from the Second Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Laurel and a bona fide resident of the Second Ward, and a registered voter of The Town of Laurel.
- (d) The Town Councilman from the Third Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Laurel and a bona fide resident of the Third Ward, and a registered voter of The Town of Laurel.
- (e) The Town Councilman from the Fourth Ward shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town of Laurel and a bona fide resident of the Fourth Ward, and a registered voter of The Town of Laurel.
- (f) Each of the Councilmen-At-Large shall be twenty-one (21) years of age, a citizen of the United States and of the State of Delaware, a bona fide resident of The Town and shall also have the qualifications established in Section 4 of this Charter. Each Councilmen-At-Large shall be a registered voter of The Town of Laurel.
- (g) Each of the qualifications for Mayor and Town Councilman shall be continuing qualifications to hold office and the failure of either the Mayor or any Town Councilman to have any of the qualifications required by this Section during his term of office shall create a vacancy in the office.

Method Of Making Nominations For Mayor Or Town Councilman

Section 7.

- (a) Every candidate for the office of Mayor, Councilman or Councilman-at-large shall not later than the close of business on the third Thursday of February in the year of the day of the General Municipal Election, file with the

Town Manager a Candidate Filing Form provided by the Town Manager. The Candidate Filing Form will be filled out completely and signed by the candidate.

- (b) The Town Manager shall deliver all Candidate Filing Forms to the Board of Election before the close of business on the fifth calendar day following the third Thursday in February. The Board of Election shall, within five (5) calendar days following delivery of the Candidate Filing Forms, review all Candidate Forms for completeness and to insure the candidate is qualified to be a candidate for the office for which he has filed.
- (c) If the candidate is not qualified, the Board of Election will notify the candidate in writing, specifying the reason or reasons why he is not qualified. The Inspector of the Board of Election shall not sign the candidate filing form if the candidate is not qualified.
- (d) If the candidate is qualified as determined by the Board of Election, the Inspector shall sign the candidate filing form and return it to the Town Manager.
- (e) Notice of the time and date of the General Municipal Election and of the offices to be filled and the candidates therefor, including the number of the Ward in which each of the candidates resides, shall be published in a newspaper of general circulation in the Town and by posting notice in five (5) public places within the corporate limits of the Town not less than one (1) week before the day of the General Municipal Election.

Manner Of Holding Biannual Municipal Election

Section 8.

- (a) The General Municipal Election for all municipal offices to be elected hereunder shall be held biannually on the fourth Thursday of March between the hours of one o'clock in the afternoon and eight o'clock in the evening, local time.
- (b) The place of election shall be at the Town Office unless some other public place within the corporate limits of the Town shall be designated by the Town Council.
- (c) At such General Municipal Election, every person, male or female, who shall have attained the age of voting as established by the State of Delaware for voting in a General Election and who shall be a citizen of the United States and a bona fide resident of the Town of Laurel for at least thirty (30) days prior to the date of the General Municipal Election, shall have one (1) vote provided he or she is registered on the Books of Registered Voters of the Town of Laurel. The Town Council of the Town of Laurel shall provide two (2) registers to be known as the Books of Registered Voters, which are to be kept at the Office of the Town Manager. The Books of Registered Voters shall contain the following Information for each registrant: The names of the voters arranged in alphabetical order, date of birth, the permanent address of the voter. the date the registrant became a resident of the Town of Laurel, the Ward in which the registrant resides, and other pertinent information as may be required. No person shall be registered upon the Books of Registered Voters unless he or she will have acquired the qualification to vote in the General Municipal Election for the year in which he or she registers. A person shall be required to register one time; provided, however, that if a registered voter fails to vote in two (2) consecutive General Municipal Elections in which there is a contest for any office, his or her name shall be removed from the Books of Registered Voters and notice shall be sent to such registered voter at his last known address, advising such voter that his name has been removed from the list of registered voters and it will be necessary to register again in order to be eligible to vote in the General Municipal Election. The Books of Registered Voters shall be maintained at the office of the Town Manager and shall be conclusive evidence of the right of any person to vote at a General Municipal Election. A person may register at the office of the Town Manager on any business day and until the close of business on the fourth Thursday in February in the year of the General Municipal Election by completing The Town of Laurel Voter Application Form and any other such forms as may be required by the Town. Identification of person being registered is required. Identification must include full name and address of registrant.
- (d) The Mayor and the members of the Town Council of Laurel who hold office at the time of passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.
- (e) The General Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two (2) Judges appointed by the Mayor of The Town of Laurel with the concurrence of a majority of the members of the Town Council not later than January in the year of the General Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote at the General Municipal Election, take reasonable steps to see that the law pertaining to the General Municipal Election receives compliance and for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the General Municipal Election shall not be present at the polling place at the time

designated for the holding of the General Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said General Municipal Election to elect from among their own number a person to fill each vacancy and such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such General Municipal Election.

- (f) Votes offered at the General Municipal Election may be offered in person. The Town Council may, by ordinance, provide for a qualified voter, duly registered, who shall be unable to appear to cast his or her ballot at any General Municipal Election either because of being in the public service of the United States or of this State, or because of the nature of his or her business or occupation, or because of his or her sickness or physical disability, or because of being unavoidably absent or on vacation from the Town on the day of the General Municipal Election, to vote by absentee ballot.
- (g) In the event that no person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the incumbent shall be deemed to be reelected for a full term and it shall not be necessary to have an election.
- (h) In the event that only one person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.
- (i) No person, other than the Election Board, the Town Manager and the administration election personnel, and persons actually voting, shall be admitted within the voting place without the unanimous consent of the Board of Election.
- (j) Each candidate may appoint some suitable person to act as a challenger to stand without the door or entrance to the room in which the election is to be held and by the side of the passage thereto. Each challenger shall be protected in the discharge of his duty by the Board of Election.
- (k) No person other than Town Manager, the Board of Election, the Clerks of the Board of Election and the challengers designated by the candidates, shall remain within fifty (50) feet of the entrance to the voting room except for the purpose of offering his vote, except that a physically handicapped person shall be permitted to bring with him into the election room any elector or two electors if the nature of the disability, in the opinion of the Board of Election, such as total disability to walk to the election room, required it in order to render the necessary assistance. Each candidate shall be permitted one (1) person present in the voting room for the purpose of recording the names of persons who vote.
- (l) No person shall electioneer or engage in any political discussion within the polling place during the election or counting of ballots.
- (m) Not more than one person shall be permitted to occupy any voting booth at one time except as provided in this Charter.
- (n) No person shall remain in or occupy a voting booth longer than is necessary to prepare his ballot and in no event longer than three (3) minutes.
- (o) Upon the close of the election, the votes shall be read and counted publicly and the person having the highest number of votes for each office shall be declared to be duly elected, and such persons shall continue in office during the term for which they were chosen. or until their successors shall be duly elected or appointed and qualified.
- (p) The Board of Election shall enter in a book to be provided for that purpose, minutes of the election containing the names of the persons chosen. They shall subscribe the same, and shall make and deliver to the person elected certificates of their election. The book containing such minutes, the ballots, and the list of those persons who voted, shall be delivered to the Town Manager who shall preserve the same and shall be evidence in any Court of law or equity.
- (q) If two or more candidates for the office of Councilman or for Mayor shall receive an equal number of votes so that there shall not be an election of a Mayor or Councilman, the incumbent councilman or mayor shall continue in office until the run-off election as hereinafter provided is held. The Board of Election shall declare the election a tie and shall report that result to the Mayor and the Council of Laurel which shall, within twenty (20) days thereafter, hold an election between those candidates where a tie resulted under the same rules as hereinbefore set forth.

Organizational Meeting Of Council

- (a) Before entering upon the duties of their respective offices, the Mayor Elect shall be sworn by a Notary Public to perform faithfully and impartially the duties of his office with fidelity. The Mayor shall, after being sworn to perform faithfully and impartially the duties of the office, swear each Councilman-Elect to perform faithfully and impartially the duties of the office to which he has been elected. At 7:30 o'clock in the evening, prevailing time, at the first Regular Meeting following the General Municipal Election, the Mayor and the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.
- (b) At the first regular meeting following the General Municipal Election, the Mayor and Town Council shall organize and elect a President of the Town Council, who shall hold office for the term of two (2) years or until his successor shall be duly elected and shall vote on all matters presented to the Town Council for a vote. The Mayor shall also appoint such other officers as may be determined to be necessary, all such appointments to be with the advice and consent of a majority of all the elected members of the Town Council.

Regular And Special Meetings

Section 10.

The Town Council of The Town of Laurel shall hold at least one (1) meeting in each month, the time and day of the meeting to be determined by Resolution of the Town Council. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Laurel, or upon the written request of the Mayor of The Town of Laurel, or upon the written request of any three (3) members of the Town Council of The Town of Laurel, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main Post Office of The Town of Laurel at least forty-eight (48) hours before the time of said special meeting or delivered to the local residence of the Mayor and each member of the Town Council at least forty-eight (48) hours prior to the date and hour of said meeting; provided, however, that a written waiver of such notice signed by the Mayor of The Town of Laurel and by all members of the Town Council prior to or immediately upon convening of the said such special meeting shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states.

Quorum

Section 11.

The Mayor and Four (4) members elected to the Town Council, or five (5) members elected to the Town Council shall constitute a quorum at any regular or special meeting; but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

Rules And Minutes Of Council

Section 12.

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

Vacancies

Section 13.

In the case of a vacancy created in the office of Mayor, or a member of Council, by death, resignation, loss of residence, conviction of a violation the Standards of Conduct of The Town of Laurel for officials and employees (Chapter 12 of the Town Code), but only upon the passage, following such conviction, of a resolution declaring such vacancy by a majority of the members of the Town Council, not including the member of the Town Council who has been convicted of a

violation of the aforesaid Standards of Conduct, or otherwise, the Town Council may fill such a vacancy, and the person so appointed shall serve for the unexpired term or until his or her successor shall be elected and qualified.

Disqualifications

Section 14.

If the Mayor or any Councilman, during his term of office, shall be found guilty of any felony, or if any Councilman shall for any reason cease to be a resident of the Ward which he represents, or if the Mayor or any Councilman shall for any reason cease to be a resident of the Town, he shall forthwith be disqualified to act as Mayor or as a member of Council and his office shall be deemed vacant and shall be filled by the Town council as aforesaid.

Contracts

Section 15.

- (a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars (\$500) for materials, supplies, services, work or labor, for the benefit and use of The Town of Laurel with the Mayor or any member of the Town Council or with any partnership in which the Mayor or any member of the Town Council is a General partner, or with any corporation in which the Mayor or any member of the Town Council is a director or controlling stockholder, or with any firm or company in which the Mayor or any member of the Town Council is pecuniarily interested, provided that if all the elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.
- (b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to lowest responsible bidder who submits a responsive bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:
- (1) The aggregate amount involved is not more than Ten Thousand dollars (\$10,000);
 - (2) The purchase or contract is for personal or professional services;
 - (3) The purchase or contract is for any service rendered by a University, college or other educational institution;
 - (4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision;
 - (5) The purchase or contract is for property or services for which it is impracticable to obtain competition;
 - (6) The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;
 - (7) The materials to be purchased are to be used to complete a project under the supervision of the Town Manager;
 - (8) The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition;
 - (9) A public emergency as determined by the Town Council exists.
- (c) Notwithstanding the foregoing provisions of this Section 15 and without complying with the competitive bidding procedures described above, the Town Council of the Town of Laurel may enter into any contract necessary or desirable in connection with a special development district or tax increment financing district created or designated by the Town Council of the Town of Laurel pursuant to Section 36A hereof, except a contract in which the Town Council of the Town of Laurel is directly contracting for the procurement of the labor and/or materials for public improvements for the benefit of such district; provided, further, that the foregoing exception shall not apply to development, public works or similar type contracts between the Town Council of the Town of Laurel and an owner of real property in such district when the contract is generally for the transfer by the owner to the Town Council of the Town of Laurel of the work performed and the cost of labor and/or materials provided by such owner for the benefit of such district.

Section 16.

- (a) The Mayor shall be the Chief Executive of the Town. He shall preside at all meetings of the Town Council, and he shall be entitled to vote on all matters presented to the Town Council for a vote. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. The Mayor shall perform such other duties and have such powers as the Town Council shall determine not in conflict with the provisions of this Charter.
- (b) He may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act. to proceed upon such infractions or violations of law and ordinances immediately in the event that he deems such action to be required.
- (c) The Mayor may, for any reasonable cause, by and with the consent and upon the address of a majority of all the members of the Town Council, remove from office any person appointed by him or any of his predecessors. The person against whom the Council may be about to proceed shall receive five (5) days written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.
- (d) The Mayor may appoint such other committees as he deems necessary for the proper administration of the Town of Laurel or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.
- (e) It shall be the duty of the president of the Town Council, in the absence of or inability of the Mayor to act, to perform such duties and to have such powers of the Mayor as are prescribed by the Charter of the Town of Laurel or by any ordinance of the Town Council.

President Of The Town Council

Section 17.

- (a) At the organizational meeting, the members of the Town Council, after assuming office, shall elect from among their own number, a President of the Town Council who shall preside at all meetings of the Town Council, in the absence or disability of the Mayor, and shall vote on all matters presented to the Town Council for a vote.
- (b) The President of the Town Council. in the absence or disability of the Mayor, shall be the Chief Executive of the town; provided, however, that he shall not have the power to appoint or remove from office any person appointed by the Mayor until the Mayor shall be absent from the Town or under disability for a period in excess of ninety (90) days.

Secretary

Section 17A.

- (a) The Town Manager shall be the Secretary of the Town Council and shall have charge and custody of books, journals, records, papers and other effects of the Town and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions in The Town of Laurel. He shall keep a record of the transactions and proceedings of the Town Council together with such other duties as may be prescribed by this Charter or by ordinances or rule of the Town Council of The Town of Laurel. He shall file and keep in a safe place the seal of The Town of Laurel and all papers and documents arising out of the proceedings of the Town Council of the Town of Laurel relative to the affairs of the Town. He shall deliver the same to his successor in office. He shall attest the seal of The Town of Laurel when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by ordinance.
- (b) All books, records and journals of The Town of Laurel in the custody of the Secretary may, in the presence of the Mayor, Secretary, Assistant Secretary or any member of the Town Council of The Town of Laurel, be inspected by any registered voter of the Town desiring legitimate information at any time. or times, as may be convenient and will not interfere with the regular routine of the business of the Town.
- (c) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The town of Laurel.

Ordinances And Resolutions

Section 18.

- (a) Every legislative act of the Council shall be by ordinance. No ordinance shall be passed unless a bill shall have been regularly introduced and had two readings. one of which shall be at a meeting previous to the meeting at which the ordinance shall be passed. On the final passage of a bill the vote shall be taken by yeas and nays, and the members voting for and against it shall be entered on the minutes. No ordinance shall be passed without the concurrence of a majority of all the members of the Council. Ordinances granting franchises shall not be passed without an affirmative vote of five (5) of the members of the council or four (4) of the members of the Council and the Mayor, nor within thirty (30) days after its introduction.
- (b) Every ordinance, after it shall have been enrolled, shall be signed by either the Mayor or the President of the Town Council, or both, and the Secretary of the Town Council., within three days thereafter.
- (c) The action of the Council shall be certified on the ordinance by the President of the Council or the Mayor, or both.
- (d) Every ordinance not signed by either the Mayor or the President of the Town Council, and the Secretary of the Town Council, written three (3) days after its passage, shall become an ordinance as valid and effective as if it had been properly signed.
- (e) All ordinances, rules, resolutions and regulations passed by the Council shall be preserved by the Town Manager and recorded at length in a suitable book kept for that purpose.
- (f) No ordinance of a general or permanent nature, except emergency ordinances as hereinafter provided. shall be passed by the Council until the title of such ordinance has been published at least once in a newspaper of general circulation in the Town of Laurel; PROVIDED HOWEVER, that if an emergency is determined by the Mayor and Council to exist, then no publication shall be necessary for such emergency ordinance.
- (g) The Council shall not pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulation, nor shall it have power to pass any ordinance providing for the expenditure of money in any fiscal year in excess of the amount received from taxes, water rents, sewer charges, trash collection charges and other miscellaneous receipts of the Town for such year, except such sum as may be necessary for the replacing or repairing of the properties or works of the corporation injured or destroyed through casualty or calamity.
- (h) A member of the Council, or a Mayor, who has a personal or private interest in any measure or proposal pending before it shall publicly disclose the fact to the members and shall not vote thereon, nor, except by permission, take part in the discussion thereof.
- (i) If such interested member shall vote without publicly disclosing his interest in the measure, ordinance or proposal, and it shall be carried by his vote, such measure, ordinance, bill or proposal shall be void and shall be so declared by the Council.
- (j) The printed or typewritten copies of the ordinances, resolution and regulations of the Council published by the authority of the Council, shall be admitted as evidence in all Courts.

Alderman And Assistant Alderman**Section 19.**

- (a) Appointment. An Alderman or Assistant Alderman shall be recommended by the Town, appointed by the Governor and confirmed by the Delaware State Senate. Once confirmed the Alderman or Assistant Alderman shall be sworn into office by the Mayor, and evidence of his or her appointment shall be recorded at the Recorder of Deeds in Sussex County.
- (b) Appointment and Reappointment Nomination. When a vacancy occurs the Town Council of the Town of Laurel shall, by majority vote, submit one or more qualified candidates and the application(s) and supporting documentation to the Governor for consideration of appointment. Not less than thirty (30) days prior to the expiration date of an Alderman's or Assistant Alderman's term, the Town Council of the Town of Laurel shall, by majority vote, determine whether or not to recommend reappointment of the Alderman or Assistant Alderman for an additional term. The Town shall submit a letter of recommendation to the Governor for consideration of reappointment, or alternatively, its written recommendation of one or more qualified candidates along with their applications and supporting documentation to the Governor for consideration of appointment.
- (c) Term of Office. The Alderman and Assistant Alderman shall serve a four-year term and shall remain in office until either reappointed or a successor is duly qualified.

- (d) **Removal.** An Alderman or Assistant Alderman may be censured or removed subject to the provisions of Article IV, Section 37 of the Delaware Constitution of 1897 and the Rules of the Court on the Judiciary. An Alderman or Assistant Alderman may also be replaced upon expiration of a term, following Senate confirmation of a new Alderman or Assistant Alderman.
- If any Alderman or Assistant Alderman has been removed from office by Senate confirmation of a new nominee or by action of the Court on the Judiciary, he or she shall, within five (5) days of the Senate confirmation or Court on the Judiciary action, deliver to the Mayor all the books and papers belonging to the Town, and shall within five (5) days pay over to the Town Comptroller all moneys in his or her hands. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or Assistant Alderman, the Mayor may require the auditor of the Town to make an audit of the books and papers of the official who has been replaced. Upon the neglect or failure to deliver all the books and papers to the Mayor within the time specified by this Charter, or to pay over all of the moneys to the Town Comptroller within the time specified, the Alderman or Assistant Alderman, so replaced, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100) for each day that he or she fails to deliver the books and papers to the Mayor or to pay over all moneys to the Town Comptroller.
- (e) **Vacancy.** In the absence of the Alderman, or when a vacancy occurs in the office of Alderman, the Assistant Alderman shall exercise all the powers, duties, and responsibilities of the Alderman as set forth in this Charter. When a vacancy occurs for an Alderman and there is no Assistant Alderman to act as Alderman, and the Delaware State Senate is recessed for more than six (6) weeks, the Town may elect to have a retired Magistrate or retired Alderman from any municipality act as Alderman pending confirmation of a nominee with the Delaware State Senate. Any retired Magistrate must meet the appointment qualifications of 10 Del. C. § 9211(a) to serve in such capacity, and shall receive such compensation as may be established by the Town Council of the Town of Laurel. A retired Magistrate or retired Alderman acting as Alderman shall have all powers, duties, and responsibilities of the Alderman as set forth in this Charter.
- (f) **Qualifications.** Any person appointed to serve as Alderman or Assistant Alderman shall be at least twenty-one (21) years of age, a United States citizen, of good character and reputation, shall reside within Sussex County, and shall not be a Town Council member or otherwise an officer or employee of the Town of Laurel.
- (g) **Oath of Office.** Within fourteen (14) days of Senate confirmation the Alderman or Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of office honestly, faithfully, diligently, and to uphold and enforce the Charter of the Town of Laurel and ordinances duly enacted by the Town Council of the Town of Laurel.
- (h) **Duties.** It shall be the duty of the Alderman and Assistant Alderman to adjudicate actions brought under any ordinances legally enacted or established by the government of the Town and to carry into effect all legally binding orders and directions of the Town Council of the Town of the Laurel made pursuant to any law of this State or its Constitution. In carrying out the duties of the office, an Alderman or Assistant Alderman shall comply with the ethical responsibilities required of Aldermen in this State and shall operate the court in accordance with the Criminal Rules of Procedure for the Alderman and Mayor Courts of the State of Delaware.
- (i) **Compensation.** The compensation of the Alderman and Assistant Alderman shall be fixed by the Town Council of the Town of Laurel and approved in conjunction with the Council's adoption of the Town operating budget. If no change is proposed and approved by the Town Council of the Town of Laurel, the previously established compensation rate shall continue in effect until revised by a majority vote of the Town Council of the Town of Laurel. Such compensation shall not be contingent upon or related to the amount of any civil or penal fines imposed or collected through the Alderman Court and shall not be reduced during the term of office.
- (j) **Alderman's Docket.** The Town Council of the Town of Laurel shall procure suitable records for the use of the Alderman and the Assistant Alderman. Such records shall be known as the "Alderman's Docket". The Alderman and Assistant Alderman shall record all official acts and proceedings in the Alderman's Docket. All criminal matters, but not civil matters, shall be entered into the Delaware Criminal Justice Information System (DELJIS) as required by law.
- (k) **Jurisdiction.** The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace, offenses and violations of any civil or criminal ordinance of the Town committed within the corporate limits of The Town of Laurel. As to such offenses or violations over which they are given jurisdiction by this Charter or by any other law of the State of Delaware, the Alderman and Assistant Alderman shall be authorized and empowered to hold for bail, set bail, impose fines, or imprison, for each offense or violation in accordance with the penalties provided by this Charter, by any Town Ordinance enacted hereunder, or as provided by any

law of the State of Delaware; provided, however, that the maximum fine which the Alderman or Assistant Alderman may impose shall never exceed the limits established by this Charter.

- (l) Civil and Criminal Penalties; Costs. Neither the Alderman or the Assistant Alderman shall impose any penalty in excess of the penalties established in this Charter for adjudicated offenses exclusive of costs nor imprison any offender for more than thirty (30) days, or both, except as otherwise specifically provided in this Charter or by state statute; but the Alderman and Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinance by the Town Council of the Town of Laurel.
- (m) Monthly Report to Commissioners. The Alderman and Assistant Alderman shall prepare and submit a written monthly report to the Town Council of the Town of Laurel reporting all fines and penalties imposed during the preceding calendar month and shall pay to the Comptroller of the Town all such fines and penalties at such times as the Town Council of the Town of Laurel shall direct. Neither the Town Council of the Town of Laurel nor the Mayor may establish or communicate an expected revenue budget for the Alderman Court apart from the adoption of the annual Town Budget.
- (n) Alderman Court Facilities and Staff. The Town of Laurel shall provide adequate and appropriate facilities and staff to facilitate the independent judicial operations of the Alderman Court. Facilities shall be separate from conflicting town operations, including, but not limited to, police agency functions. The Town may house the Alderman Court in a common municipal building, so long as the Alderman's Court is provided space physically separate from other Town functions and is further situated in such a manner to foster public confidence in the independence of the Court. Likewise, staff assigned to the Court shall not be shared with conflicting Town government operations. 79 Del. Laws. c. 411

Town Manager

Section 20.

- (a) The Mayor of The Town of Laurel, with the concurrence of a majority of all the elected members of the Town Council, may appoint a Town Manager who shall be the Chief Administrative Officer of the Town and shall be the Secretary of the Town Council and the Treasurer of the Town.
- (b) The Town Council of The Town of Laurel shall impose such qualifications for Town Manager as may be deemed necessary; provided, however, that no person holding the office of Mayor or Town Councilman shall be chosen to be Town Manager during his term of office as Mayor or Councilman.
- (c) The Town Manager shall hold office for an indefinite term and may be removed for just cause by a majority vote of the Town Council of The Town of Laurel. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reasons for his removal. The Manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Town Manager from duty but shall in any case call to be paid him forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months following the adoption of the preliminary resolution.
- (d) In case of the absence or disability of the Town Manager, the Town Council may designate some qualified person who may be an elected or appointed official of the Town of Laurel to perform the duties of such office during his absence or disability. The compensation which the Town Manager shall receive for the performance of his duties shall be fixed by the Town Council of The Town of Laurel.
- (e) The Town Manager shall be responsible to the Town Council of The Town of Laurel for the proper administration of the affairs of the Town placed in his charge and to that end, he shall have the power to make such appointments and to hire such employees at such compensations as the Town Council, by Resolution, shall determine, subject to such rules and regulations as may be adopted by the Town Council. All employees shall be hired for an indefinite term and may be removed by the Town Manager at any time for just cause unless otherwise provided by resolution of Council. He shall exercise his sole discretion in the appointment or hiring of any such employees. The Town Manager shall be the sole judge of the competence or incompetence of any such person so appointed or hired by him. The Town Council of The Town of Laurel shall sit as a Board of appeal for the protection of Town employees at those times when the majority of all the Town Council are

agreed that a review of the action of the Town Manager would be in the best interest of The Town of Laurel. The decision of the Town Council in such case shall be final and conclusive.

- (f) It is the intention of this Charter that, in the performance of his duties, and in the exercise of his powers, the Town Manager shall not be influenced by my matters whatsoever of a political or fractional nature. It is the intention of this Charter that the Town Manager shall be guided solely by matters of expediency and efficiency in the administration of the affairs of the Town placed in his charge. Except for purposes of injury, the Town Council shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.
- (g) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town under his charge and to make such reports to the Town Council as are required by the Town Council. He shall make such recommendations to the Town Council concerning the affairs of the Town as may seem to him desirable. He shall keep the Town Council advised of the financial condition and future needs of the Town. He shall prepare and submit to the Town Council the annual budget estimate. He shall render to the Town Council at the regular monthly meeting of each and every month a true, accurate and detailed account of all the moneys collected or received by him in the performance of his duties and shall promptly turn the same over to the Town Council.
- (h) In conjunction with the Mayor of The Town of Laurel, he shall sign warrants pursuant to appropriations or resolutions theretofore made for the Town Council. He shall prepare and submit to the Town Council such reports as may be required by the Town Council. He shall perform such other duties as may be prescribed by this Charter or required of him by Ordinance or Resolution of the Town Council.
- (i) The Town Manager and such other officers of the Town as may be designated by vote of the Town Council shall be entitled to seats in the meetings of the Town Council, but shall not vote therein.
- (j) The Town manager shall have charge and supervision of the sewer system, water system. street lightning, streets, gutters, curbs, sidewalks, boardwalks, jetties, piers, parks, and other administrative affairs of the Town and all work relating thereto, he shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the Town. He shall have charge of the administration of all provisions of this Charter and ordinances and Resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any ordinance or Resolution of the Town Council.
- (k) He shall keep a full and strict account of all moneys received and all disbursements made by him and such accounts shall, at all times, be open to inspection to the Town Council.
- (l) He shall give to The Town of Laurel a bond, if required by the Town Council. in such sum and in form with security satisfactory to the Town council for the faithful performance of the duties of his office and the restoration to The Town of Laurel, in case of his death, resignation, or removal from office all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the Town.
- (m) In the event of a vacancy in the office of the Town Manager for any reason or reasons whatsoever. the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.
- (n) Upon the death, resignation, or removal from office of the Town Manager, the Mayor, with the approval of a majority of all elected members of the Town Council shall appoint some suitable person, who may be an elected or appointed official of The Town of Laurel, to perform the duties of Town Manager; provided, however, such person shall not serve for a period exceeding ninety (90) days from the date of his appointment.

Town Solicitor

Section 21.

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

Board Of Health

Section 22.

- (a) The Board of Health shall consist of three (3) members, one of whom shall be a practicing physician. The Board shall be appointed by the Mayor of The Town of Laurel with the advice and consent of a majority of the elected members of the Town Council at the annual meeting hereinbefore provided, and shall serve until their successors are duly appointed and qualified. The Board of Health shall have cognizance of and interest in the life and health of the people of the Town. The Board shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the citizens of The Town of Laurel. The Board shall organize by the election of a Chairman and Secretary within ten (10) days after notice of their appointment and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.
- (b) The Secretary of the Board may be allowed a reasonable annual compensation for his services, which shall be determined by the Town Council and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the Mayor, but he shall be a resident of 'Me Town of Laurel.
- (c) The Board of Health shall have the power to recommend the adoption of ordinances relating to the health of the population of the Town or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the same and such ordinances, when adopted by the Town Council. shall extend to an area outside the Town limits for a distance of one (1) mile.

Police Force**Section 23.**

- (a) The Chief of Police shall be appointed by the Mayor for an indefinite term by and with the advice and consent of a majority of all the elected members of the Town Council and may be removed for just cause by a majority vote of all the elected members of the Town Council. The Town Council shall, from time to time. make such rules and regulations as may be necessary for the organization, government and control of the police force. The police force shall preserve peace and order and shall compel obedience within the Town limits to the ordinances of the Town and the laws of the State of Delaware. The police force shall have such other duties as the Town Council shall, from time to time prescribe. Operational control of the daily routine of the Police Department shall be the responsibility of the Chief of Police. The Town Manager shall be responsible for communicating the policies adopted by the Town Council to the Chief of Police.
- (b) Each member of the police force shall have police powers and shall be conservators of the peace throughout The Town of Laurel, and they shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. They shall compel the enforcement of all laws enacted by the Town Council of The Town of Laurel. In the case of a pursuit of an offender, the power and authority of the police force shall extend outside the territorial limitations of The Town of Laurel.
- (c) Every person sentenced to imprisonment by the Alderman or the Assistant Alderman or a Justice of the Peace, as the case may be, shall be delivered by a member of the police force to the correctional institution located In Sussex County to be there imprisoned for the term of his sentence.
- (d) In the case of an arrest at any time when the Alderman or the Assistant Alderman of The Town of Laurel shall not be available or if no such Alderman or Assistant Alderman has been appointed, the person arrested may be taken before the nearest Justice of the Peace with offices in Sussex County who shall hear and determine the charge, and who, in such case. is vested with all the authority and powers granted by this Charter under the Alderman or the Assistant Alderman. In the case of an arrest at a time when the Alderman or the Assistant Alderman or the Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be delivered to the correctional institution located in Sussex County for imprisonment until such reasonable time thereafter as shall enable the Alderman or Assistant Alderman or the Justice of the Peace to hear and determine the charge against such person.
- (e) It shall be the duty of the police force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town or the noisy conduct of any person in the same, and upon the view of the above or upon view of the violation of any ordinance of the Town relating to peace and good order thereof, the police force shall have the right and power to arrest without warrant.

Annual Audit**Section 24.**

Annually, and not later than the regular meeting in May, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, shall appoint a certified public accountant to be the auditor of accounts of The Town of Laurel. It shall be the duty of the auditor to audit the accounts of the Town and all its officers whose duty involves the collection, custody and payment of moneys to the Town. The auditor shall audit the books of the Alderman and the Assistant Alderman of The Town of Laurel. the records of all fines, penalties, costs imposed or collected by him pursuant to any judgment, order or decree made. The auditor shall, on or before the expiration of ninety (90) days from the end of the fiscal year, annually make and deliver a detailed report of any and all accounts, records. and books by them examined and audited which report under his hand and seal shall be available for public inspection. The auditor, in the performance of his duties, shall have access to all records and accounts of the offices of the Town Council and he is hereby authorized and empowered to employ such clerks as in his judgment may be necessary in the proper performance of his duties.

Board Of Assessment**Section 25.**

- (a) The Mayor shall appoint a Board of Assessment, composed of three (3) members, resident within the corporate limits of The Town of Laurel, with the advice and cement of a majority of all the elected members of the Town Council for an indefinite term.
- (b) The Board of Assessment shall be sworn or affirmed by the Mayor of The Town of Laurel or by a Notary Public to perform their duties with fidelity and without favor. It shall be the duty of the Board of Assessment to make a fair and impartial assessment of property and persons subject to taxation situate within the corporate limits of the Town and to perform such other duties and reference thereto as shall be prescribed from time to time by the Tom Council of The Town of Laurel. Compensation to be by them received for the performance of their duties and the hiring of employees to assist them in the performance of their duties shall be fixed by and subject to the approval of the Town Council of The Town of Laurel.
- (c) The Board of Assessment may adopt the assessment of Sussex County for any or all property located within the corporate limits of The Town of Laurel.

Assessment Of Taxes**Section 26.**

The Board of Assessment shall, prior to the first day of July of each year, make a just, true and impartial annual valuation or assessment of all real estate and improvements located thereon located within The Town of Laurel. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to 'Owner Unknown'. A mistake in the name of the owner or owners or a wrong name or an assessment to 'Owner Unknown' shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided, however, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds, in and for Sussex County. The Board of Assessment may also make a personal assessment of all male and female citizens of the Town above the age of eighteen (18) years, whether an owner of real estate or not; said personal assessment shall be determined by the Town Council and certified to the Board of Assessment. Said personal assessment or per capita tax shall be in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever.

- (a) The Board of Assessment, after making such annual assessment, shall deliver to the Town Council of The Town of Laurel a list containing the names of all persons assessed and the amount of assessment against each. The Board of Assessment shall also deliver at such time as many copies of said list as the Town Council shall direct.
- (b) The annual assessment shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per capita assessment shall appear in separate columns or spaces. In making this assessment, the Board of Assessment shall make their valuation accordingly.

- (c) The real property of the members of the Board of Assessment shall be assessed by the Town Council of The Town of Laurel.
- (d) Immediately upon receiving the annual assessment list from the Board of Assessment, the Town Council of The Town of Laurel shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung in a public place in The Town of Laurel and there it shall remain for a period of at least ten (10) days for the information of and examination by all concerned. Appended thereto and also in five (5) or more public places in said Town shall be posted notices advertising to all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices that, at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place they shall hear appeals from the said annual assessment. The decision of the Town Council sitting as the Board of Appeals shall be final and conclusive and said Town Council shall revise and complete said assessment at this sitting. No member of the Town Council shall sit upon his own appeal but the same shall be heard and determined by the other Councilmen.
- (e) The Board of Assessment shall be present on the day fixed for hearing appeals and shall furnish to the Town Council such Information and answer such questions as the Town Council may require in respect to any assessment for which an appeal has been taken. The Town Council shall have the authority to enforce the attendance of the Board of Assessment by appropriate process.

Supplemental Assessment Of Taxes

Section 26A.

- (a) In addition to the annual valuation or assessment provided for in Section 26 of this Charter, the Board of Assessment may, at its option, prepare quarterly supplemental assessment rolls for the purpose of:
 - (1) Adding property not included on the last assessment; or
 - (2) Increasing the assessed value of property which was included on the last assessment. The supplemental assessment roll may be used to correct errors on the prior assessment and to remove or modify any exemption from taxation applicable to property in the Town.
- (b) Such supplemental assessment roll shall be prepared quarterly in each fiscal year. The first such supplemental assessment roll shall be certified to the Town Council on October 1 of each year; the second on December 1 of each year; the third on February 1 of each year; and the fourth on May 1 of each year.
- (c) On the date of certification of a supplemental assessment roll to the Town Council:
 - (1) The property owners listed thereon shall be liable to pay taxes equal to the assessed valuation of the property and multiply it by the tax rates for the then current fiscal year applicable to the property, reduced by twenty-five percent (25%) where the property is listed on the second supplemental assessment roll; by fifty percent (50%) where the property is listed on the third supplemental assessment roll; and by seventy-five percent (75%) where the property is listed on the fourth supplemental assessment roll; and
 - (2) The amount of such tax shall be and remain a lien on such property, together with any penalties which might thereafter accrue, until such taxes and penalties are fully paid.
- (d) In no case shall the supplemental assessment procedure be employed to impose taxes retroactively.
- (e) Immediately after receiving the supplemental assessment list from the Board of Assessment, the Town Council shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung in a public place in The Town of Laurel and there it shall remain for a period of at least ten (10) days for the information and examination by all concerned. Appended thereto and also in five (5) or more public places in said Town shall be posted notices advertising to all concerned that upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the supplemental assessment list and notices that, at the next regular meeting of the Town Council, the Town Council will hold a Court of Appeals at which time and place they shall hear appeals from the said supplemental assessment. The decision of the Town Council sitting as the Board of Appeals shall be final and conclusive and said Town Council shall revise and complete said supplemental assessment at this sitting. No member of the Town Council shall sit upon his own appeal but the same shall be heard and determined by the other Councilmen.
- (f) The Board of Assessment shall be present on the day fixed for hearing appeals to the supplemental assessment and shall furnish the Town Council such information that answers such questions as the Town Council may require in respect to any supplemental assessment from which that appeal has been taken. The

Town Council shall have the authority to enforce the attendance of the members of the Board of Assessment by appropriate process.

Levy Of Annual Taxes

Section 27.

- (a) At the regular meeting in August, after having revised and completed the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be raised by the Town to meet the fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.
- (b) The Town Council should then proceed to determine in its sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source. They shall then proceed to determine, assess, fix and/or levy as follows:
 - (1) The rate of tax on real estate including improvements thereon per One Hundred Dollars (\$100) of the assessed value; and/or
 - (2) The amount of personal or per capita tax upon each citizen of the Town over the age of eighteen (18) years; and/or
 - (3) The rate of tax upon all poles, construction, erections, wires and appliances more particularly mentioned, or intended so to be in Section 30 of this Charter as amended; and/or
 - (4) The several license fees to be charged for carrying on or conducting of the several businesses, professions or occupations more particularly mentioned or intended so to be in Section 30 of this Charter, as amended; and/or
 - (5) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment, trash collection; and/or
 - (6) The fees or rates to be charged in respect to any other unauthorized source of revenue sufficient in their judgment and estimation to realize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources (4), (5) and (6) aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and that any regular or special meeting of the Town Council as the Town Council, in its own proper discretion, shall determine.
- (c) Immediately after the last regular meeting prior to the end of the fiscal year of each and every year, the Town Council shall make, or cause to be made, a full, true and correct Annual Tax List showing the amount of tax levied against each taxable thereon from sources (1), (2) and (3) above-mentioned. This list shall be known as the Annual Tax List of The Town of Laurel. In addition to the information contained in the assessment list, it shall also contain information as to the rate of tax upon real estate for each One Hundred Dollars (\$100) of assessed valuation thereof,
- (d) The Town Council shall cause to be delivered to the Town Manager a duplicate of said Annual Tax List and the Town Manager shall immediately proceed to collect the same as hereinafter provided.
- (e) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due The Town of Laurel under the existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Laurel created hereby.

Collection Of Annual Taxes

Section 28.

- (a) The Town Manager, as soon as the Town Council shall have placed in his hands a duplicate Annual Tax List, shall proceed at once to collect the taxes on said duplicate list.
- (b) All taxes so laid or imposed by The Town of Laurel in such Annual Tax List shall be and constitute a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed at any time after such taxes shall have been levied and imposed that is situate within The Town of Laurel. Such lien shall have preference and priority to all other

liens on such real estate, as aforesaid, created or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the attaching of such lien for taxes.

- (c) All taxes, when and as collected by the Town Manager, shall be paid to The Town of Laurel, and all taxes shall be due and payable at and from the time of the delivery of the Annual Tax List to the Town Manager.
 - (d) All taxes shall be payable at the Town Office of The Town of Laurel during the regular business hours of that office.
 - (e) Commencing with the 2005-2006 tax year, on all taxes paid on or before September 30th of each year, the Town Manager shall deduct one percent (1%) from the amount of said taxes assessed against the real property of said person. On all taxes paid after September 30th of each year but before November 1st of each year, there shall be no abatement or deduction. On all taxes paid on or after November 1st of each year, there shall be added a penalty of three percent (3%) for each month or fraction thereof such taxes shall remain unpaid, said penalty to be effective on the first day of October, and the said penalty shall be collected in the same manner as the original amount of the tax. The Town Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid on November 1st of each year shall be considered delinquent. In effecting a collection of any delinquent tax, the Town Council may impose collection charges in addition to the above penalties, as the same may change from time to time, not to exceed the reasonable costs of collection, including reasonable attorneys' fees, court costs and sale costs. The Town Council may by resolution passed at least 30 days prior to the commencement of any fiscal tax year subsequent to the 2005-2006 fiscal tax year delete, increase or modify in any manner, including as to amounts and effective dates, the discount, abatement or deduction previously granted to owners of real estate, including improvements, located within the Town of Laurel. The Town Council may also delete, increase or modify in any manner, including as to amounts and effective dates, penalties or late charges assessed against real estate including improvements subsequent to the 2005-2006 fiscal tax year, in the same manner as specified above with respect to discounts, abatements or deductions. 75 Del. Laws, c. 47
 - (f) At the first meeting of the Town Council in April of each year, the Town Manager shall account to the Town Council for all amounts collected by him during the year and shall be liable on his bond for failure to account for any uncollected accounts unless he can show to the satisfaction of the Town Council that all remedies permitted for the collection of accounts were pursued without result or, if not pursued the remedies would have been without avail.
 - (g) The Town Manager, when any tax has become delinquent, may, in the name of The Town of Laurel, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware. in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex County, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas, or in the Superior Court as the case may be.
 - (h) However, should the Town Manager so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure:
 - (i) Furthermore, should the Town Manager alternatively elect, he or she is empowered to sell the lands and tenements of the delinquent taxpayer, or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the direction of the Town Council using any of those procedures specified for the sale of lands for the collection of taxes on the part of the individuals charged with the responsibility for the collection of taxes for Sussex County, and all such procedures and methods available for the sale of lands, as aforesaid, including the redemption periods, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference thereto, including the method of sale by motion, as the same is set forth in 9 Del.C. §8721 et seq., and as the same may hereafter be amended from time to time, substituting the Town of Laurel for the Department of Finance of Sussex County and/or Sussex County.
- (1) The Town Manager shall present in the name of The Town of Laurel to the Superior Court of the State of Delaware in and for Sussex County, a petition in which shall be stated:
- (A) The name of the taxable;
 - (B) The year for which the tax was levied;
 - (C) The rate of tax;
 - (D) The total amount due;
 - (E) The date from which interest and the penalty for nonpayment shall commence and the rate of such interest and penalty and any collection charge permitted;

- (F) A reasonable, precise description of the lands and tenements proposed to be sold;
 - (G) A statement that the bill of said tax has been mailed to the taxable at his last known post office address with return receipt requested by certified mail and postage prepaid;
 - (H) That it has been found impractical to attempt to collect the said tax by any other remedy hereinbefore provided. The petition shall be signed by the Town Manager and shall be verified before a Notary Public.
- (2) At least ten (10) days prior to the filing of any such petition as described herein, the Town Manager shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Town Manager shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the taxpayer cannot be found, it shall be sufficient for the Town Manager to file with said petition the evidence that such statement has been mailed in accordance with this Subsection and has been returned.
- (3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Sussex County, and shall endorse upon the said record of said petition the following: "This petition, filed the _____ day of _____, A.D. _____, and the Town Manager of The Town of Laurel is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due. This endorsement shall be signed by the Prothonotary.
- (4) Any sales of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in The Town of Laurel, one of said public places shall be the Town Office and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the day fixed for the sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.
- (5) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Sussex County, at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the Town Manager making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.
- (6) No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs, no deed shall be made until the expiration of one (1) year from the date of the sale within which time the owner, his heirs, executors, or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, the costs, the amount of the purchase price, and twenty percent (20%) interest thereon and the expense of having the deed prepared. All taxes assessed after the sale and before the delivery of the deed shall be paid by the purchaser at said sale who shall be reimbursed by the delinquent taxpayer in the event of redemption to which shall be added twenty percent (20%) interest thereon.
- (7) After satisfying the tax due and the costs of expense of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, upon the refusal of the said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in The Town of Laurel, either to the credit of the owner or in a manner in which the fund may be identified.
- (8) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be:
- (A) To the Prothonotary for filing and recording the petition, five Dollars (\$5);
 - (B) For filing and recording the return of sale, Five Dollars (\$5);
 - (C) To the Town Manager for preparing the certificate, Five Dollars (\$5.00), for making the sale of lands, Five Dollars (\$5), for preparing and filing a return, Five Dollars (\$5), for posting sale bills, Five Dollars (\$5). In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the

delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.

- (9) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown this fact shall be stated in the advertisement of sale.
- (10) If any person is assessed for several parcels of land and tenements in the same assessment in The Town of Laurel, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that the land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.
- (11) In the event of death, resignation or removal from office of the Town Manager of The Town of Laurel before the proceedings for the sale of lands shall have been completed, his successor in office shall succeed to all of his powers, rights, and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment, or otherwise, may refer to the Superior Court of the State of Delaware, in and for Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Town Manager to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and thereupon the court may make such order touching the conveyance of the premises as shall be according to Justice and equity.
- (12) The Town Manager shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

Town Budget

Section 29.

- (a) The fiscal year for The Town of Laurel shall be from July 1 of one year to June 30 of the next succeeding year.
- (b) Annually each year and not later than the regular meeting in May, the Town Manager shall prepare a rough draft of the Town Budget. From this rough draft, the Town Council shall not later than the regular meeting following the presentation of the rough draft prepared of the Town Budget, containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.
- (c) The budget shall contain the following information:
 - (1) A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year;
 - (2) An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuing fiscal year;
 - (3) A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year and the amount required for the 'Sinking Fund' or 'Sinking Funds';
 - (4) An estimate of the amount of money to be received from taxes, water rents, sewer service charges, front foot assessments, license fees and all other anticipated income of the Town from any source or sources whatsoever.
 - (5) A reserve fund for unanticipated expenses.
- (d) The Town Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Enumeration Of Powers

Section 30.

- (a) Not by way of limitation upon the power vested in the Town Council of The Town of Laurel to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants and affairs, that is to say:
 - (1) To prevent vice, drunkenness and immorality.
 - (2) To provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

- (3) To prohibit all gaming and fraudulent devices.
- (4) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades production circuses or other public performances, amusements and games.
- (5) To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to enter into contracts or agreement for the doing thereof, including contracts or agreements with the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other public thoroughfare within the Town.
- (6) To regulate or control the observance of the Sabbath Day.
- (7) To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large and to authorize the disposal or destruction of the same.
- (8) To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish. fertilizer and manure plants or establishments, swine pens, privies, water closets in any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature.
- (9) To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks by owners or abutting owners.
- (10) To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate. area, descent, sign, post or any other erection or projection in, over, upon or under any street, highway, alley, lane, water course, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the Town.
- (11)To define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare.
- (12)To provide an ample supply of potable water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by The Town of Laurel may be used, the manner of it use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipality itself.
- (13)To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any wilful or negligent injury or damage to, or interference with the said system, plan or facilities. To furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the Town itself.
- (14)To provide, construct, extend, maintain, manage and control the plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks. crosswalks, wharfs, docks, public buildings or other public places in the Town, and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessarily proper to light the Town, and to furnish proper connections for electric current and gas

to the properties of the inhabitants of the Town who may desire the same; to regulate and prescribe for what private or public purpose the current or gas furnished by the Town may be used, the manner of its use, the amount to be paid by the users thereof, the means whereby such amounts are to be collected and the fines or penalties or both, for any wilful or negligent injury or damage to or interference with the electric or gas system or system of the Town; to furnish or refuse to furnish electric current or gas from the Town's system or systems, to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the Town itself.

- (15) To fully control within the Town the drainage of all water and to that end to alter or change the course and direction of any natural water course, runs or rivulet within the Town, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend and maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.
- (16) To provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, or fills for the preservation of any strand or high land within the limits of the Town and contiguous thereto to the end that the same may be preserved, properly protected that the general public might enjoy the use thereof.
- (17) To grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and for such consideration as the Town Council shall deem in the best interests of the municipality, to use the present and future streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer drainage, electric current, telephone, telegraph, television, railroad excepting railroads or railways engaged in Interstate Commerce, bus, taxi or other transportation, carrier or public service to the Town, unto the persons, firms or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting wharfs and piers and for the purpose of vending any article or merchandise or service upon or from any vehicle upon any present and future street, highway, lane, alley, etc.; provided that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.
- (18) To regulate and control the exercise of any license or franchise mentioned in Section 30 of this Charter, or intended so to be.
- (19) To direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.
- (20) To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.
- (21) To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues.
- (22) To regulate, control or prevent the use or storage of gun powder, fireworks, tar, pitch, resin, and all other combustible materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires.
- (23) For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material; and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22, Delaware Code, and all amendments heretofore or hereafter adopted.
- (24) To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town which shall be used as a place of detention of persons convicted of violations of law or ordinance, or for detention of persons accused of violations of law or ordinances, for a reasonable time in cases of necessity prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided that any correctional institution located in Sussex County may be used for any such purpose.

- (25) To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping the offices of the Town.
- (26) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which may cause bodily injury or injury or harm to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.
- (27) To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding Five Hundred Dollars (\$500) or sixty (60) days, or both.
- (28) To provide for the organization of a fire department and the control and government thereof, provided that no volunteer fire company exists to provide fire protection within the corporate limits of the Town; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Town Council, to contribute, donate or give an amount or amounts of the total taxes levied on real estate into any volunteer fire company or companies incorporated under the laws of the State of Delaware, or any volunteer fire association or associations maintaining and operating fire fighting equipment and service to the Town.
- (29) To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of the abatement of nuisances and the like, laying out and repairing sidewalks, curbs or gutters, or other charges due the Town and to sell the same.
- (30) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon: provided, however, that the amount to be raised from this source shall not exceed in any one year the sum of Five Hundred Thousand Dollars (\$500,000); and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether hereinbefore or hereafter incurred.
- (31) To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of The Town of Laurel to be used for any and all municipal purposes.
- (32) To levy and collect taxes upon all telephone, telegraph, power poles, pipelines, rail lines, or other constructions or erections of a like character, erected within the limits of the Town together with the wire or other appliances thereto or therein attached; expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 27 of this Charter, the Town Council shall have the authority to cause the same to be removed.
- (33) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Town Council from time to time shall fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town.
- (34) To determine from which authorized source and in what proportion taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the Town and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.
- (35) To provide for the collection of and disbursement of all moneys to which the Town may become entitled by law, including licenses and fines where no provision for the collection and disbursement thereof is otherwise provided in this Charter.
- (36) To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all state, county or municipal taxes; provided, however, that in no event shall the Indebtedness of the Town for any and all purposes at any one time exceed in the aggregate twenty-five (25%) of the assessed value of all real estate in the Town subject to the assessment for the purpose of levying the annual tax hereinbefore mentioned.
- (37) To acquire, and/or to vacate the use of lands, tenements, personality, property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and

eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to The Town of Laurel by this Charter. Proceedings by way of condemnation in any case shall be as prescribed in Chapter 61, Title 10, Delaware Code as heretofore or hereafter amended.

- (38) To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.
- (39) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due the Town by the performance of labor or service for the Town by any person owing the same.
- (40) To inquire into and investigate the conduct of any officer, agent or employee of the Town or any municipal affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and the production of books, papers, or other evidence by subpoena.
- (41) To establish, by ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem most appropriate; and provided further, that the funding may, if deemed desirable by the Town Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council.
- (42) To borrow money in anticipation of revenues on the full faith and credit of The Town of Laurel sum or sums not exceeding One Hundred Thousand Dollars (\$100,000) in any one year when, in the opinion of a majority of the Town Council of The Town of Laurel, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of The Town of Laurel, duly authorized by Resolution adopted by the Town Council of The Town of Laurel, and signed by the Mayor of The Town of Laurel and attested by the Secretary of the Town Council with the corporate seal affixed, and no officer or member of the Town Council shall be liable for the payments of such notes because it is signed by them as officers of the Town and is authorized by the Resolution of the Town Council; provided, however, that the total sum outstanding at any one time shall not exceed One Hundred Thousand Dollars (\$100,000); and provided further, that any sum of money so borrowed, as aforesaid, in any fiscal year, shall be paid from the general fund of the Town and shall be completely repaid at any time, but must be completely paid at the end of ten (10) fiscal years following the first fiscal year when said sum or sums were borrowed with interest thereon; and provided that such ad valorem taxes shall be levied as is necessary to pay the principal or the interest on said bonds as is required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof; provided however, that any borrowing pursuant to this paragraph shall be authorized by a two-thirds vote of all the elected members of the Town Council after a public hearing following seven (7) days notice thereof published in a paper of general circulation in the Town.
- (43) To make, adopt and establish all such ordinances, regulations, rules and by-laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; provided, however, that any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) mile from said limits.
- (44) To exempt by a two-thirds (2/3) vote of all the elected members of the Town Council from all or a part of any municipal ad valorem taxes for a period of not more than five (5) years, persons or corporations who shall desire to establish and expand, or any of them, any business, commercial or industrial enterprise located or to be located within the corporate limits of the Town and shall expend for such establishment and expansion, or any of them of such business, commercial or industrial enterprise an amount not less than One Hundred Thousand Dollars (\$100,000.00).
- (45) To exempt by a two-thirds vote of all the elected members of the Town Council from all or a part of any municipal ad valorem taxes for a period of not more than ten (10) years, persons or corporations who shall desire to establish and expand, or any of them, any business, commercial or industrial enterprise located

or to be located within the corporate limits of the Town and shall expend for such establishment and expansions, or any of them, of such business, commercial or industrial enterprise an amount not less than Five Hundred Thousand Dollars (\$500,000.00).

Taxation Of Real Estate Transfers

Section 30A.

- (a) The Town Council of the Town of Laurel, in addition to all other powers conferred upon it by this Act, shall have the power and authority by ordinance or ordinance to levy, assess and collect or provide for the levying, assessment and collection of such taxes as shall be determined by the Town Council to be paid by the transferor or transferee upon the transfer of real property or any interest in real property situate within the corporate limits of the Town of Laurel, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfers occur; provided however, that no tax levied under this Section shall exceed one percent (1%) of the sale price (including the value of any assumed mortgage or mortgages); and provided further, that no tax shall be levied upon an organization exempted from ad valorem real estate taxes.
- (b) No ordinance or ordinances providing for a tax on the transfer of real property or any interest in real property authorized under this Section shall become effective unless it receives an affirmative vote of two thirds (2/3) of all the elected members of the Town Council of the Town of Laurel. If the taxing power authority granted under this Section shall be exercised by way of a stamp affixed to a document presented for recording, the Recorder of Deeds, in and for Sussex County, shall not receive for record any document subject to such tax unless such stamps are affixed thereto.
- (c) The Town Council of the Town of Laurel may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the provisions of this Section.
- (d) No tax levied under this Section shall exceed one percent (1%) of the sale price (including the value of any assumed mortgage or mortgages) or of the fair market value of the real property so transferred; and provided, however, that no tax shall be imposed upon an organization which is exempted from ad valorem taxes. The provisions of Section 5401 and Section 5403, Paragraph 54, Title 30, **Del.C.**, shall be applicable to any realty transfer tax imposed pursuant to this Act.
- (e) The Town Council may provide by Ordinance for the collection of such tax by the Recorder of Deeds, in and for Sussex County, and shall prescribe in such Ordinance the charge that will be paid for such collection of such realty transfer tax authorized by this Section.
- (f) This Act shall not become effective until it shall be approved by a majority of the qualified voters at a Special Election to be held pursuant to a Resolution adopted by the Town Council of the Town of Laurel. The Town Council shall give notice of the Special Election by printing a copy of the Resolution calling the Special Election in at least two (2) issues of a newspaper having a general circulation within the corporate limits of the Town of Laurel within thirty (30) days immediately preceding the date of such Special Election. At the said Special Election, every person who is a bona fide resident of the Town of Laurel and who would be entitled at the time of the holding of the said Special Election pursuant to the provisions of this Act to register and vote in the Annual Municipal Election if such Annual Municipal Election were held on the day of the Special Election to be held pursuant to the provisions of this Act may vote at the said Special Election regardless of whether such person is registered to vote in the Annual Municipal Election. The Special Election shall be held by a Board of Election to be appointed by the Mayor of the Town of Laurel at least two (2) weeks before such Special Election. The Board of Election shall consist of an Inspector of the Special Election and such Judges as shall be appointed by the Mayor of the Town of Laurel. If a majority of the votes cast at the Special Election shall be in favor of the transfer tax authorized by this Act, the tax may be levied and collected as provided for in this Act. The Board of Election holding the Special Election shall meet immediately after the close of such Special Election to ascertain the result and shall certify the result to the Town Council. The hours of the Special Election shall be from one o'clock in the afternoon, prevailing time, until eight o'clock in the evening, prevailing time, and such persons who are in the polling place at eight o'clock in the evening, prevailing time, shall be entitled to vote even though such votes may be cast after eight o'clock in the evening, prevailing time. If the majority of the votes cast at any Special Election held under this Act shall be against the levying of the tax authorized by this Act, the proposition shall not again be submitted to the qualified voters until the expiration of ninety (90) days from the date of the said Special Election.

Streets**Section 31.**

- (a) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall deem it for the best interest of the Town.
- (b) The procedure to be used for any of those things heretofore listed in this Section shall be as follows:
 - (1) Whenever five (5) or more property owners in a portion of the Town directly affected or abutting on the proposed street to be opened, laid out, changed, altered, widened, vacated or closed shall by written petition with each signature duly acknowledged request the Town Council to lay out, locate, or open a new street or to widen or alter any existing street or any part thereof or to vacate or abandon a street or any part thereof, the Mayor of The Town of Laurel shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of changing the structure of said streets in the Town. The petition presented to the Council by the property owners shall include a description of the property through which the proposed street shall be laid out or description of the street on which any of the other actions heretofore described shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council, by a majority vote of the elected members thereof may, by resolution, propose that a committee composed of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the Town.
 - (2) Not later than ninety (90) days following its appointment, the committee shall submit a report concerning its findings to the Mayor and to the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changes of the street structure and shall contain the conclusion of said committee either recommending or disapproving the change of said street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of The Town of Laurel, the Council, by Resolution, passed by a majority of the elected members of the Town Council concurring therein, shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the Town. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of The Town of Laurel, the Resolution proposing the change in the street structure to the property owners and citizens of The Town of Laurel shall be passed by a majority of three-fourths (3/4ths) of the elected members of the Town Council. The Resolution shall contain a description of the proposed change and shall affix a time and place for a public hearing on the matter of changing the street structure. The Resolution adopted by the Town Council shall be printed in a newspaper having a general circulation in The Town of Laurel, or, in the discretion of the Town Council, the Resolution shall be posted in five (5) public places in the Town for at least one (1) week before the time set for the public hearing. The notice shall be published at least one (1) week prior to the date set for the said public hearing. The Resolution shall also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the Town.
 - (3) Whenever the Town Council shall have determined to locate or lay out or widen any street, lane or alley and shall have affixed compensation therefor, it shall be the duty of the Town Council immediately after the survey and location of said street, lane or alley, to notify by certified mail with return receipt requested and postage prepaid the owner or owners of the real estate through, or over whom such street, lane or alley may run of their determination to open or widen the same and to furnish a general description or location thereof; also the amount of compensation or damages allowed to reach such property owner, and if such owner be not a resident of the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known; that there be no holder or tenant resident in said Town and the address of the owner be unknown or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the Town, as aforesaid, said property owner may, within ten (10) days after such notice, as aforesaid, was posted or mailed, appeal from written notice of assessment or compensation or damages by serving written notice by certified mail with return receipt requested and postage prepaid, on the Mayor of the Town to the effect that he or she is dissatisfied with the amount of such compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County, for the appointment of a

commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall, within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of the State of Delaware, in and for Sussex County, for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a commission directed to five (5) freeholders of said county, three (3) of whom shall be residents of The Town of Laurel, and two (2) of whom shall be nonresidents of said Town, requiring them to assess the damages which the owner of the real estate through or over which the said street, lane or alley shall pass or who shall have suffered damage because of any other action taken by the Town pursuant to the provisions hereof and who shall have notified the said Town Council of their intention to appeal may incur by reason thereof and to make a return of their proceeding to the said Judge at the time therein appointed.

- (4) The freeholders named in such commission, being first duly sworn or affirmed. shall view the premises and may, or a majority of them, shall assess the damages, as aforesaid, and shall make return in writing of their proceedings to the said Judge who shall deliver and return to the Town Council which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained or if the person or persons so entitled reside out of or are absent from the Town during the said period of thirty (30) days, then the same shall be deposited to his or her credit in the Girard Bank of Delaware. with offices in Laurel, Sussex County, Delaware, within said time and thereupon the said property or lands may be taken or occupied for the use as aforesaid.
- (5) If the ascertainment and assessment of damages by the freeholders appointed by the Judge, as aforesaid, shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Town Manager belonging to the Town. but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the commission shall receive and be entitled for each day's actual service or of any part of a day the sum of Twenty-Five Dollars (\$25). After the damage shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or, upon the payment of the costs only, may abandon the proposed improvements. In the event that either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted at the Supreme Court of the State of Delaware.

Curbing And Paving

Section 32.

- (a) Whenever the Town Council shall have determined that any paving, graveling, curbing, guttering or any or all of them shall be done, it shall cause a notice to be sent to the owner or owners along or in front of whose premises the same is to be done, particularly designating the nature and character thereof and thereupon it shall be the duty of such owner or owners to cause such paving, graveling, guttering and/or curbing, or any of them, to be done in conformity with said notice. In the event any owner or owners neglect to comply with said notice for the space of thirty (30) days, the said Town Council may proceed to have the same done and when done, the Town Manager shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing expenses of such paving; graveling, guttering and curbing, or any of them. If such owner or owners be not resident in The Town of Laurel, such bills shall be sent by certified mail with postage prepaid or to such owner or owners directed to him, her or them at the last known address. If such bill be not paid by the owner or owners of such lands within sixty (60) days after the presentation thereof, as aforesaid, the Town Manager shall proceed to collect the same in the same manner and under the same terms and conditions as are provided for the collection of delinquent taxes.
- (b) Any notice sent to one co-owner shall be notice to all owners and in the case of no owners shall reside in said Town. notice served as set forth herein or posted upon the premises shall be sufficient.
- (c) The provisions contained herein shall apply to any order made by the Town Council in respect to any pavement, sidewalk, gutter or curb heretofore made or done which the said Town Council may deem insufficient or need repairing.

Collection Or Charges Due The Town

Section 33.

- (a) In the collection of any charges due the Town for trash removal, water rentals, sewer service charges, electric bills, gas bills, license fees, tapping fees, impact fees, whether currently payable in full or deferred in whole or in part, and front foot assessments. charges growing out of the abatement of nuisances, laying out and repairing paving, graveling, guttering, curbing, or any of them, such charges shall become a first lien against all real estate of the delinquent property owners and/or taxpayers situate within the Town and such charges shall have preference and priority for a period of ten (10) years from the date the charge became due and owing to all other liens on real estate created or suffered by the taxable and property owner, although such other lien or liens be of a date prior to the time for the attaching of such liens for such charges. For the purposes of this Charter, all charges imposed pursuant to any provisions of this Charter shall be assessed, imposed or levied against the owner or owners of the property.
- (b) The remedies available to the Town Manager for the collection of such charges shall be the same as those set forth in this Charter for the collection of delinquent taxes. 78 Del. Laws, c. 314, § 4

Motor Vehicle Violations**Section 34.**

- (a) All driving and vehicular traffic and coaches, as well as pedestrians on the Public streets, within the corporate limits and territory of The Town of Laurel shall be governed by the provisions of Section 4101 through Section 4199, inclusive, Title 21, **Del.C.**, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions have been altered or supplemented by Ordinance duly passed by the Town Council as authorized by Title 21, Chapter 41. **Del.C.** as amended. The Alderman of The Town of Laurel, duly appointed by the Mayor of said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.
- (b) The reporting of all accidents occurring within the corporate limits of The Town of Laurel shall be governed by the provisions of Section 4201 through Section 4206, inclusive, Title 21, **Del.C.**, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions may be altered or supplemented by an Ordinance duly passed by the Town Council. The Alderman and the Assistant Alderman of The Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.
- (c) Equipment on motor vehicles operated within the corporate limits of The Town of Laurel shall be governed by the provisions of Section 4302 through Section 4304, inclusive, Section 4306, Section 4308 through Section 4311, inclusive, Section 4315 through Section 4318, inclusive, Section 4331 through Section 4334, inclusive, Section 4336 through Section 4353, inclusive, Section 4355 through Section 4358, inclusive, Section 4371 and Section 4372. Title 21, **Del.C.** as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions may be altered or supplemented by an Ordinance duly passed by the Town Council. The Alderman and the Assistant Alderman of The Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.
- (d) The removal and disposition of abandoned vehicles within the corporate limits of The Town of Laurel shall be governed by the provisions of Section 4401 through Section 4406, inclusive, Section 4408 through Section 4413, inclusive, and Section 4412 through Section 4414, inclusive, Title 21, Delaware Code as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions may be altered or supplemented by an Ordinance duly passed by the Town Council. The Alderman and the Assistant Alderman of The Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.
- (e) The theft, unauthorized use and damage to motor vehicles occurring within the corporate limits of The Town of Laurel shall be governed by the provisions of Section 6701 through Section 6707 Title 21, **Del.C.**, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions may be altered or supplemented by an Ordinance duly passed by the Town Council. The Alderman and the Assistant Alderman of The Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.
- (f) The removal of motor vehicles from the public streets within the corporate limits of The Town of Laurel shall be governed by the provisions of Section 6901 through Section 6902, inclusive, Title 21, **Del.C.**, as heretofore or hereafter amended by the General Assembly of the State of Delaware except to the extent that such provisions

may be altered or supplemented by an Ordinance duly passed by the Town Council. The Alderman and the Assistant Alderman of The Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

Criminal Acts And Defenses

Section 35.

- (a) Criminal acts defined as misdemeanors and defenses as heretofore or hereafter amended by the General Assembly of the State of Delaware set forth in this Section may be tried before the Alderman or Assistant Alderman of the Town of Laurel, duly appointed by the Mayor of the Town of Laurel, who shall have jurisdiction over such acts committed within the corporate limits of the Town of Laurel.
- (1) Section 501, Section 511, Sections 521 through 523, inclusive, Sections 531 through 533 only if punishable as a misdemeanor, inclusive, and Section 541, Title 11, **Del. C.** of 1974, relating to Inchoate Crimes;
 - (2) Section 601 through 603, inclusive. Section 611, Section 621, Section 625 and Section 627, Title 11, **Del.** of 1974, relating to offenses Against the Person;
 - (3) Section 761 and Section 768, Title 11 **Del. C.** of 1974, relating to Sexual Offenses;
 - (4) Section 781, Section 784, Section 786, and Section 791, Title 11, **Del. C.** of 1974, relating to Unlawful Imprisonment;
 - (5) Section 804 and Section 811, Title 11, **Del. C.** of 1974, relating to Burning and Criminal Mischief;
 - (6) Sections 820, through 823, inclusive, Title 11, **Del. C.** of 1974, relating to Criminal Trespass;
 - (7) Section 840. Title 11, **Del. C.** of 1974, relating to Shoplifting only if punishable as a misdemeanor;
 - (8) Sections 841 through 845, inclusive, Title 11, **Del. C.** of 1974, relating to Theft only if punishable as a misdemeanor;
 - (9) Sections 853, Title 11, **Del. C.** of 1974, relating to Unauthorized Use of a Motor Vehicle;
 - (10) Sections 900 through 907, inclusive, and Section 910, Title 11 **Del. C.** of 1974, relating to Fraud and Cheats only if punishable as a misdemeanor;
 - (11) Section 1221, Section 1224, Section 1225, Sections 1231 through 1233, inclusive, and Section 1235, Title 11 **Del. C.** of 1974, relating to False Swearing;
 - (12) Sections 1241 through 1246, Inclusive, Title 11, **Del. C.** of 1974, relating to Obstruction to Governmental Operations;
 - (13) Section 1251, Section 1257 and Section 1258, Title 11, **Del. C.** of 1974, relating to Escape;
 - (14) Section 1271, Section 1272, and Section 1274, Title 11, **Del. C.** of 1974, relating to Criminal Contempt;
 - (15) Section 1301, Section 1311, Section 1312, Sections 1321 through 1325, inclusive, Section 1331, Section 1332, and Section 1335, Title 11, **Del. C.** of 1974, relating to Disorderly Conduct and Related Offenses;
 - (16) Section 1341 through 1343, inclusive, Sections 1354 through 1356, inclusive, Title 11, **Del. C.** of 1974, relating to Public Indecency,
 - (17) Sections 1361 through 1364, inclusive, Title 11, **Del. C.** of 1974, relating to Obscenity only if punishable as a misdemeanor;
 - (18) Section 1401, Sections 1403 through 1411, inclusive, and Section 1432, Title 11, **Del. C.** of 1974, relating to Gambling;
 - (19) Section 1445 and Section 1446, Title 11, **Del. C.** of 1974, relating to Weapons;
 - (20) Sections 4206 through 4213, inclusive. but excepting Section 4209, Title 11, **Del. C.** of 1974. relating to Penalties and Disposition of Intoxicated Persons.
 - (21) The Alderman and the Assistant Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions of Paragraphs (1) through (20), inclusive, of this Section.

Power To Borrow Money And Issue Bonds

Section 36.

- (a) The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of The Town of Laurel to provide funds for the erection, extension, enlargement, purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair and Improvements of highways, streets or lanes or the paving, curbing or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; or to defray the cost or the share of the Town of the costs of any permanent municipal improvements; provided, however, that the borrowing of money therefor shall have been authorized for the Town Council in the manner following:
- (1) The town council by Resolution shall propose to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for any of the purposes above stated. The Resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired. the manner of securing the same, and all other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession at the time of the passage of the Resolution and shall fix a time and place for a hearing on the said Resolution.
 - (2) Notice of the time and place of the hearing on the Resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town or distributed in circular form at least one week before the time set for the public hearing.
 - (3) Following the public hearing a second Resolution shall then be passed by the Town council ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the said money, the said Special Election to be for the purpose of voting for or against the proposed loan. The passing of the second Resolution calling a Special Election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue.
 - (4) The notice of the time and place of holding the said Special Election shall be printed in two (2) issues of a newspaper having a general circulation in The Town of Laurel within thirty (30) days prior to the said special Election or distributed in circular form at least fifteen (15) days prior to the Special Election, or both, at the discretion of the Town Council.
 - (5) At the said Special Election, every resident of The town of Laurel who shall have attained the age of eighteen (18) years shall have one vote and, in addition, every partnership or corporation owning property within the corporate limits of The Town of Laurel shall also have one vote and the said votes may be cast either in person or by proxy.
 - (6) The Town Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the said Special Election. The Special Election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The Mayor of The Town of Laurel, by and with the advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of Special Election. The polling places shall be opened from one o'clock in the afternoon, prevailing time, until seven o'clock in the evening, prevailing time, on the date set for the Special Election.
 - (7) The Board of Special Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed loan and the number of void votes and shall deliver the same to the Town Council, which said certificate shall be retained by the Town Council with the other papers of the Town Council.
 - (8) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the classes of the bond, the time or times of maturity, and the provisions as to registration shall be determined by the Town Council after the said Special Election.
 - (9) The bonds may be sold at either public or private sale as determined by the Town Council. If the bonds shall be offered for public sale they shall be sold to the best and most responsible bidder therefor after advertisement in a manner to be described by the Town Council for at least one (1) month before offering the same for sale.
 - (10)The Town Council shall provide in its budget and in the fixing of the rate of tax for the payment of interest on and principal of the said bonds at the maturity thereof.
 - (11)The faith and credit of The Town of Laurel shall be deemed to be pledged for the due payment of the bonds and interest thereon issued pursuant to the provisions hereof when the same had been properly executed and delivered for value.

- (b) Notwithstanding the foregoing provisions of this Section, The Town Council may authorize the issuance of bonds, certificates of indebtedness, notes or other obligations of The Town under this Section in an aggregate amount of up to \$17,000,000.00 outstanding at any time, without regard to the requirements set forth in paragraphs (1) - (8) of Section 36 (a), if:
- (i) The Town Council, by Resolution (adopted by at least a majority of all of the members of Town Council) approves of the issuance of bonds, certificates of indebtedness, notes or other obligations pursuant hereto for a proper municipal purpose with such Resolution stating the amount of such issuance, or borrowing, the purpose of such issuance or borrowing, the manner, if any, of securing the same, that the amount of all other bonds, certificates of indebtedness, notes and other obligations issued pursuant to this paragraph (b) does not exceed \$17,000,000.00 and any other facts relating to the issuance which are deemed pertinent by The Town Council and in its possession at that time.
 - (ii) Such Resolution (or a subsequent Resolution adopted by at least a majority of a quorum as established pursuant to Section 11 hereof) shall establish the form of the bonds, certificates of indebtedness, notes or other obligations, the time or times of payment, the interest rate or rates, the classes, the series, the maturity or maturities, the registration, any callable or redeemable features, the denominations, whether such bonds, certificates of indebtedness, notes or other obligations shall be sold at either public or private sale, and the name or names thereof and any other relative or appurtenant matter pertaining thereto.
 - (iii) Except for the provisions of paragraphs (1) - (8) of Section 36(a), all other provisions of this Section 36, if not in conflict, shall be applicable to the bonds, certificates of indebtedness, notes and other obligations issued pursuant to this paragraph (b).
- (c) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of fifty (50%) percent of the assessed value of real property situate within the limits of The Town of Laurel shown by the last assessment preceding the creation of the said indebtedness. 75 Del. Laws, c. 176; 77 Del. Laws, c. 7; 79 Del. Laws, c. 316, § 1;

Tax Increment Financing and Special Development Districts

Section 36A.

In addition to all other powers the Town Council of the Town of Laurel may have, and notwithstanding any limitation of law, the Town Council of the Town of Laurel shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with Chapter 17, Title 22 of the Delaware Code relating to the Municipal Tax Increment Financing Act and Chapter 18 relating to Special Development Districts. Notwithstanding anything to the contrary contained in Section 1801(2)a. of Title 22 of the Delaware Code, the lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests financed pursuant to the Municipal Tax Increment Financing section or the Special Development Districts section of Section 36A of Chapter 288, Volume 64, Laws of Delaware, as amended, may be acquired for a public purpose not only by The Town of Laurel but also by the State of Delaware or any agency or instrumentality thereof, or any County, local political subdivision, instrumentality, agency, body politic, utility district, or similar entity within the State of Delaware. Further, notwithstanding anything to the contrary contained in Section 1801(2)b. of Title 22 of the Delaware Code, the machinery and equipment financed pursuant to the Municipal Tax Increment Financing section or the Special Development Districts section of Section 36A of Chapter 288, Volume 64, Laws of Delaware, as amended, may include the machinery and equipment needed to expand or enhance services provided not only by The Town of Laurel, but also by the State of Delaware or any agency or instrumentality thereof, or any County, local political subdivision, instrumentality, agency, body politic, utility district, or similar entity within the State of Delaware, to a Tax Increment Financing (TIF) District or a special development district created pursuant to Section 36A of Chapter 288, Volume 64, Laws of Delaware, as amended. 76 Del. Laws, c. 1; 77 Del. Laws, c. 391, § 1;

Power To Issue Revenue Bonds

Section 37.

- (a) The Town Council, in addition to the power set forth In Section 36 of this Charter to borrow money and issue the bonds, shall have the authority to borrow money and issue bonds or certificates of indebtedness and to secure the payment thereof by pledging the revenues derived from the operation of any project for which the bonds are issued pursuant to this Section.

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- (b) The funds derived from the sale of bonds issued pursuant to this Section may be used for any or all of the following purposes, including incidental expenses incurred in connection therewith:
- (1) For the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances or equipment for the supply or manufacture and distribution of electricity or gas for light, heat, or power purposes;
 - (2) For the furnishing of water to the public;
 - (3) For the construction or repair of sewers or sewage disposal equipment;
 - (4) For the defraying of the costs or the share of the Town of the costs of any permanent municipal improvement;
 - (5) For the purchase of lands in the planning and development, including construction, erection or installation of buildings for an industrial complex when the land or buildings, or both, at the discretion of the Town Council may be sold or leased by the Town to private enterprise where such buildings are all purpose buildings suitable for sale or rental for general manufacturing use or office use or general retail use or any combination thereof;
 - (6) For the acquisition, construction, reconstruction, repair, alteration, improvement, extension or financing or partial refinancing of any commercial enterprise, which includes but is not limited to, shopping centers, and any industrial or agricultural enterprises, provided that the issuance of such bonds pursuant to this Paragraph (6) shall not constitute a debt of the Town of Laurel nor a pledge of its credit or taxing Power and the bonds shall contain on the face thereof a statement to the following effect:

“Neither the faith nor the taxing Power Of the Mayor and Council of Laurel is pledged to the Payment of the Principal of premium, if any, or interest on this bond, nor is the Mayor and Council of Laurel in any manner obligated to make any appropriation for payment thereof.”

- (7) For the refunding from time to time of any bonds issued pursuant to the provisions of this Section by the issuance of new bonds, whether the bonds to be refunded have or have not matured or be subject to redemption, and may issue bonds then outstanding in amounts sufficient to provide:
 - A. The principal amount of the obligations being refunded;
 - B. Any applicable redemption premiums thereon;
 - C. Unpaid interest on such obligations to the date of delivery of the refunding from the date of delivery of the refunding bonds to the first of any subsequently available redemption date or dates selected by the Town Council; and
 - D. All expenses, including bond discount and the reasonable attorneys' fees of the counsel for Town, deemed by the Town Council to be necessary for the Issuance of the refunding bonds. The proceeds of the sale of any refunding bonds shall be applied as follows, either:
 - (1) To the immediately payment and retirement of the obligations being refunded; or
 - (2) If not required for the immediately repayment of the obligations being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded. but provisions may be made for the pledging and disposition of any amount in excess of the amounts required for such purposes, including, without limitation provision for the pledging of any excess amounts to the payment of the principal of and interest on any portion of such refunding bonds or series of such refunding bonds Issued for the purpose of providing amounts in addition to the principal amount and the premium payable with respect to the outstanding obligations to be refunded.
- (c) All bonds issued pursuant to this Section shall be deemed to be legal Investments by any bank, trust company, insurance company, executor, administrator, guardian, trustee or any other fiduciary.
- (d) At its discretion, the Town Council may dispose of any property and any personal property acquired by the issuance of bonds pursuant to this Section to a private individual, firm or corporation at public or private sale, for cash or on credit, and under such other terms and conditions as the Town Council may deem to be in the best interest of the Town without regard to any other provision of this charter; provided, however, that the revenue received from any such disposition shall be used to retire any outstanding bonds and if no bonds which are issued pursuant to this Section are outstanding, the revenue derived from such disposition may be used for any municipal purpose.

- (e) Any property acquired by Mayor and Council of Laurel from the proceeds of bonds issued pursuant to this Section shall be exempt from taxation by the State of Delaware or any political subdivision thereof.
- (f) The interest on any bonds pursuant to this Section shall be exempt from all taxation by the State of Delaware or by any political subdivision or agency thereof.
- (g) There shall be no limitation on the amount of bonds to be issued pursuant to this Section and the indebtedness created by any bonds issued pursuant to this Section shall not be used in computing the maximum bonded indebtedness which may be created by the Town pursuant to Section 34 of this Charter nor shall the Town Council be required to levy taxes to pay the principal of or interest on any bonds issued pursuant to this Section.
- (h) The bonds to be issued pursuant to this Section shall be authorized by resolution of the Town Council and shall bear such date or dates, mature at such time or times not exceeding forty (40) years from their respective dates, bear interest at a rate or rates per annum as may be determined by the Town Council, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America, at such places and be subject to such terms of redemption, as such resolution or resolutions may provide. Bonds of Mayor and Council of Laurel issued by the Town Council pursuant to the provisions of this Section may be sold at either public or private sale at such place and interest rates as may be determined by the Town Council, provisions which shall be part of a contract with the holders of the bonds thereby authorized, as to:
 - (1) Pledging all or any part of the monies, earnings, income and revenues derived from the undertaking for which the bonds are issued to secure the payment of the bonds or of any issue of the bonds subject to such agreements with bondholders as may than exist;
 - (2) The rates, rentals, fees and other charges to be fixed and collected and the amounts to be raised in each year thereby, and the use and disposition of the earnings and other revenues;
 - (3) The setting aside of reserves and the creation of sinking funds and the regulations and disposition thereof;
 - (4) Limitations on the right of the Town Council to restrict and regulate the use of the activity or property in connection with which such bonds are issued;
 - (5) Limitations on the purposes to which the manner in which the proceeds of sale or any issue of bonds may be applied;
 - (6) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and accrued, the refunding of outstanding or other bonds;
 - (7) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;
 - (8) The creation of special funds into which any earnings or revenues of the Town may be deposited,
 - (9) Vesting in a trustee or trustees such properties, rights, powers and duties in trust as the Town Council may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to this Section and limiting or abrogating the right of bondholders to appoint a trustee under such Section or limiting the rights, duties and powers of such trustee;
 - (10)Defining the acts or omissions to act which shall constitute a default in the obligation and duties of the Town Council to the bondholders and providing the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver; provided however that such rights and remedies shall not be inconsistent with the general laws of this State and any other provisions of this Charter;
 - (11)Any other matters of like or different character which in any way affect the security or protection of the bonds;
 - (12)The obligations of the Town Council in relation to the construction, maintenance, operation, repairs and insurance of the property, the safeguarding and application of all monies and as to the requirements for the supervision and approval of consulting engineers in connection with construction, reconstruction and operation;
 - (13)Any other matter of course of conduct which by recital in a resolution or resolutions is declared to further secure the payment or the principal of or interest on the bonds.
- (j) Neither the Mayor nor any member of the Town Council of Mayor and Council of Laurel nor any person executing the bonds or other obligations shall be personally liable on the bonds or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

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- (k) The Town Council shall have the power out of any funds available therefor to purchase (as distinguished from the power of redemption hereinabove provided) any bonds issued pursuant to this Section or which may be assumed by the Town Council at a price of not more than the principal amount thereof and accrued interest and all such bonds shall be canceled.
- (l) In the discretion of the Town Council, the bonds may be secured by a trust indenture by and between Mayor and Council of Laurel and a corporate trustee which may be any trust company or bank having the power of a trust company within the State of Delaware. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Town Council in relation to the construction, maintenance, operation, repair, insurance of the properties, and the custody, safeguarding and application of all monies, and may provide that the property shall be constructed and paid for under the supervision and approval of consulting engineers. The Town Council may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the properties to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, or such safeguards and restrictions as the Town Council may determine.

All expenses incurred in carrying out the provision of such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the properties. If the bonds shall be secured by trust indenture, the bondholder shall have no authority to appoint a separate trustee to represent them. Notwithstanding any other provisions of this Section, any resolution or resolutions authorizing bonds or notes of the Town pursuant to the provisions of this Section shall contain a covenant by the Town Council that it will at all times maintain rates, fees, rentals and/or other charges sufficient to pay, that any contracts entered into by the Town Council for the use of any properties shall contain rates, fees, rentals or other charges sufficient to pay the cost of operation and maintenance of the properties, the principal of and interest on any obligations issued pursuant to such resolution or resolutions as the same severally become due and payable and to maintain any reserves or other funds required by the term of such resolution or resolutions.

- (m) In the event that Mayor and Council of Laurel shall default in the payment of principal of or interest on any issue or bonds after the same shall have become due, whether out of maturity or upon call for redemption, and such default shall continue for a period of thirty (30) days, or in the event that Mayor and Council of Laurel shall fail or refuse to comply with the provisions of this Section or shall default in any agreement made with the holders of any issue or bonds, the trustee appointed by the Town Council or if none has been appointed, the trustee who may be appointed by the holders of twenty-five percent (25%) in aggregate principal amount of the bonds of such issue then outstanding by instrument or instruments filed in the Office of the Recorder of Deeds, in and for Sussex County, approved or acknowledged in the same manner as a deed to be recorded shall represent the holders of such bonds for the purposes stated in this Section. Such trustee may and upon written request of the holders of twenty-five percent (25%) of principal amount of such bonds then outstanding shall in his or its own name:
 - (1) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the bondholders, including the right to require Mayor and Council of Laurel to collect revenues, rates, rentals, fees and other charges adequate to carry out any agreement as to, or pledge of such revenues, rates, rentals, fees and other charges and to require Mayor and Council of Laurel to carry out any other agreements with the holders of such bonds and to perform its duties pursuant to the provisions of this Section;
 - (2) Bring suit upon such bonds;
 - (3) By action of suit in equity require Mayor and Council of Laurel to account as if it were the trustee of an express trust for the holders of such bonds.
- (n) Any suit, action or proceeding by the trustee on behalf of bondholders shall be heard or maintained in a court of competent jurisdiction.
- (o) Before declaring the principal of all such bonds due and payable, the trustee shall first give thirty (30) days notice in writing to Mayor and Council of Laurel.
- (p) Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable shall be entitled as a right to the appointment of a receiver for any property for which the revenues are pledged for the security of the bonds of such issue and such receiver may enter and take possession of such part or parts of the properties and subject to any pledge or agreement with bondholders shall take possession of all monies and other properties derived from such part or parts of the properties and proceed with any construction thereon or the acquisition of any property, real or personal, in connection herewith which Mayor and Council of Laurel is under an obligation to do, and to operate, maintain and reconstruct such part or parts

of the properties and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of Mayor and Council of Laurel under the direction of the Court. In any suit, action or proceeding by the trustee, fees, counsel fees and expenses of the trustee and of the receive, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a first charge an any revenues derived from the properties.

- (q) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

Actions Or Suits

Section 38.

No action, suit or proceeding shall be brought or maintained against The Town of Laurel for damages, either compensatory or punitive on account of any physical injury or injuries, death or injury to property by reason of the negligence, simple, gross, or wilful or wanton of the said Town of Laurel, or any of its departments, officers, agents, servants or employees unless the person by or on behalf of whom such claim or demand is asserted, within ninety (90) days from the happening of said injury or the suffering of such damages shall notify The Town of Laurel in writing of the time, place, cause, character and extent of the injury sustained or damages suffered. Such notice shall be directed to the Mayor of The Town of Laurel by certified mail with return receipt requested and postage prepaid.

Compendium

Section 39.

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

Revival Of Powers And Validating Section

Section 40.

- (a) All powers conferred upon or vested In the Mayor and Council of Laurel by an act or law of the State of Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in The Town of Laurel and/or the Mayor and Council of Laurel precisely as if each of said powers was expressly set forth in this Charter.
- (b) All ordinances adopted by the Mayor and Council of Laurel and in force at the time of approval, acceptance and going into effect of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Laurel under the provisions of this Charter.
- (c) All of the acts and doings of the Mayor and Council of Laurel or of any official of the Mayor and Council of Laurel which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Mayor and Council of Laurel or under any provision of any prior Charter of the Mayor and Council of Laurel, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.
- (d) All taxes, assessments, license fees, penalties, fines, and forfeitures due the Mayor and Council of Laurel shall be due The Town of Laurel and all debts due from the Mayor and Council of Laurel shall remain unimpaired until paid by The Town of Laurel.
- (e) All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by the Mayor and Council of Laurel.

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- (f) The bonds given by or on account of any official of the Town Council of Laurel shall not be impaired or affected by the provisions of this Charter.
- (g) Each member of the Town Council who holds office at the time of approval of this Act shall continue to serve until the expiration of his term of office notwithstanding that he may not be eligible to serve because of the description of the limits of any Ward or any amendment of any Ward.
- (h) All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter be and the same are hereby repealed to the extent of any such inconsistency.
- (i) If any part of this Charter shall be held to be unconstitutional or invalid by a Court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions of this Charter.
- (j) This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

Approved June 28, 1984.

73 Del. Laws, c. 5; 73 Del. Laws, c. 15; 75 Del. Laws, c. 46; 75 Del. Laws, c. 47; 75 Del. Laws, c. 176; 76 Del. Laws, c. 1; 77 Del. Laws, c. 7; 77 Del. Laws, c. 391, § 1; 78 Del. Laws, c. 314, § 4; 79 Del. Laws, c. 21, § 1; 79 Del. Laws, c. 316 §1; 79 Del. Laws, c. 411