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**Camden**

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**Section 1. Incorporation**

The inhabitants of The Town of Camden ("Town") 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 corporation name of "The Town of Camden".

**Section 2. Metes and Bounds**

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

**Section 3. Annexation**

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

a. Initiation of Annexation Proceedings.

1. By Petition of the Property Owners. Any property owner(s) holding record fee title to real property in territory contiguous to the then existing corporate limits of the Town may petition the Mayor and Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner, shall describe within reasonable certainty the territory proposed for annexation, indicate the property owned by each petitioner therein, and state the reasons for the requested annexation. The Mayor and Council may, within ninety (90) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said ninety (90) days shall be null and void. For the purposes of this section, "territory contiguous to the then existing corporate limits of the Town" shall include both real property which, though itself not contiguous to the Town's then existing corporate limits, is contiguous to other real property which is proposed to be included in the annexation and real property which would be contiguous under §3.b.9.B.
2. By Resolution of the Mayor and Council. The Mayor and Council may, at any time, adopt a Resolution proposing the annexation of any territory contiguous to the Town. Such Resolution shall describe, with reasonable certainty, the territory proposed to be annexed and state the reasons for the proposed annexation. Upon adoption of such a Resolution, the Mayor and Council shall proceed as hereafter provided.

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

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

In addition to publication as herein provided, the Mayor and Council shall, not less than twenty-one (21) days nor more than sixty (60) days before the date of such hearing: (1) cause a public notice, containing the full text of the Resolution, to be posted in at least five (5) public places in the Town and in at least one

- (1) place, viewable to the public, in the territory proposed to be annexed; and (2) send a copy of such notice, certified mail, to the owners of record of the lands proposed to be included in the annexation at their address as shown on the public tax records. Written notice to one (1) co-owner shall be notice to all.
2. Public Hearing. At the time, date, and place specified in the Resolution proposing annexation (or at any revised date, time, or place if duly noticed as provided in §3.b.1) the Mayor and Council shall sit to hear comments and opinion from any concerned party regarding the proposed annexation. Such public hearing shall be for the purpose of obtaining public opinion and legislative fact finding and the Mayor and Council shall not be bound, in any way, to act in response to any information or comments offered at such hearing.
  3. Resolution Ordering Special Election. At any time following the public hearing, the Mayor and Council may pass a Resolution ordering a special election to be held not less than twenty-one (21) days, nor more than sixty (60) days after the date of such Resolution proposing the special election. The passage of this Resolution shall ipso facto be considered the determination of the Mayor and Council to proceed with the matter of the proposed annexation, provided, however, that if the annual municipal election is to be held within one hundred twenty (120) days of the date of the Resolution adopted by Council pursuant to this section, the election on the proposed annexation may be held in conjunction with the annual municipal election and all provisions hereof shall be construed and applied accordingly.
  4. Notice of Special Election. Notice of the time and place of said special election shall be published not less than twenty-one (21) days nor more than sixty (60) days before the date set for said Special Election. Notice shall be published at least once in two (2) newspapers, both of which shall be of general circulation in the Town and in the territory proposed to be annexed. In the event that such publications do not appear on the same date, the date of the last publication shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto. In addition to such publication as herein provided, the Mayor and Council shall not less than twenty-one (21) days nor more than sixty (60) days before the date of such special election cause a public notice, containing the full text of the Resolution proposing such Special Election, to be posted in at least five (5) public places in the Town and in at least one (1) place, viewable to the public, in the territory proposed to be annexed.
  5. Those Entitled to Vote.
    - A. At such special election, any person who is lawfully entitled to vote at the annual town election, if it were being held on that day, and any person who would be so entitled if the area proposed to be annexed were already included in the Town, shall be entitled to one vote. (For purposes of this section "Lawfully entitled to vote" shall include "registered to vote" if registration is required; but all persons in the area to be annexed shall be deemed to be registered if they would otherwise be entitled to vote.) In addition, each legal entity, other than a natural person, owning property in its own name, either in the Town or in the territory proposed to be annexed, shall be entitled to one vote.
    - B. Those provisions shall be construed so as to permit only "one person, one vote." Where a voter is entitled to vote by virtue of both residence and ownership of property, that voter shall be entitled to only one vote; where a voter is entitled to vote by ownership of two or more properties, that voter shall be entitled to only one vote.
    - C. Any legal entity (other than a natural person) entitled to vote must cast its vote by a duly executed and acknowledged power of attorney. Such Power of Attorney shall be surrendered to the Board of Special Elections which shall file same in the Office of the Town Manager. Such Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election on behalf of the legal entity granting the power.
  6. Conduct of Special Election. The Mayor and Council may cause voting machines, electronic voting system, or paper ballots to be used in the Special Election, as required by law, the form of ballot to be printed as follows:
 

For the proposed annexation. \_\_\_\_\_

Against the proposed annexation. \_\_\_\_\_

The Mayor shall appoint three (3) persons to act as a Board of Special Elections. One (1) of said persons so appointed shall be designated the Presiding Officer. The Board of Special Elections shall be the sole and final judges of the legality of the votes offered at such Special Election. It shall keep a true and

accurate list of all natural persons and other legal entities voting. Voting shall be conducted in a public place as designated by the Resolution calling the Special Election. The polling place shall be open for six (6) consecutive hours, as set by the Mayor and Council, 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 through such votes are not cast until after the time for the closing of the polls.

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

7. Results of Special Election.

- A. In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation.
- B. In the event that the Special Election results in an unfavorable vote for annexation in either or both the Town and the territory proposed to be annexed, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one year from the date of the Special Election.
- C. If the vote in both the Town and in the territory proposed to be annexed is favorable to the proposed annexation, the Mayor and Council shall at their first meeting following the Special Election adopt a Resolution annexing the said territory and including it within the limits of the Town. Upon the adoption of said Resolution of annexation, a copy thereof, signed by the Mayor, and certified by the Town Manager, with municipal seal affixed, together with a plot of the area annexed, shall forthwith be filed for record in the Office of the Recorder of Deeds in and for Kent County, Delaware. The territory so annexed shall be considered to be a part of the Town from the moment the last mentioned Resolution is adopted by the Mayor and Council. Failure to record said Resolution, or the plot accompanying the same, shall not invalidate the annexation, but such recording may be enforced by writ of mandamus or mandatory injunction.

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

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

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

9. Property Owned by the State of Delaware Highways, Streets, Roads, and Alleys; Ponds, Canals, Streams, and Other Waters
  - A. Real property owned by the State of Delaware may be annexed into the Town without the State's casting a vote in the Special Election, provided the state agency having control and supervision thereof does not notify the Town, in writing, of its objection to such annexation within 30 days after receiving written notice of the Resolution proposing the annexation as provided in §3.b.1.
  - B. Contiguity with the Town's existing corporate limits, or with other territory which is itself contiguous within the Town's existing corporate limits, shall not be deemed interrupted by the existence of any highway, street, road, alley, pond, canal, stream, or other body of water which passes through, or lies within the territory to be annexed.
10. Limitations. No action contesting the annexation of any territory under this Section shall be brought after the expiration of sixty (60) days from the publication of a notice in at least two (2) newspapers, both of general circulation in the Town and in the territory annexed, which notice shall contain the following information:
  - A. Notice that the Town has annexed such territory and a description thereof.
  - B. Notice that any person or other legal entity desiring to challenge such annexation must bring his/her/its action within sixty (60) days from the date of publication of such notice or forever be barred from doing so.
  - C. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.
  - D. In addition to publication as herein provided, the Mayor and Council shall cause a public notice, containing the information set out in subsections A and B above (using date of "posting" for date of "publication"), to be posted in at least five public places in the Town and in at least one place, viewable to the public, in the territory proposed to be annexed.
  - E. In the event the publications and/or postings do not appear on the same date, the date of the last publication or posting shall control.

#### **Section 4. Town Governance**

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council composed of a Mayor, whose term shall be for a period of two (2) years, and four (4) council members each of whose terms shall be for a period of three (3) years, commencing at the Annual Meeting of the Town Council following his or her election and continuing until his or her successor is duly elected and qualified. A member of Town Council must resign his or her council seat if he or she files to run for the office of Mayor and the terms overlap.

#### **Section 5. Qualifications for Mayor and Council.**

- a. The qualifications for the Mayor and Council at the time of his/her election shall be as follows:
  1. A bona fide resident of the United States and the State of Delaware and a resident for at least one (1) year next preceding the Annual Municipal Election; and
  2. At least twenty-one (21) years of age and not convicted of a felony; and
  3. Be non-delinquent in his/her uncontested Town taxes.
- b. Each of the qualifications for the Mayor and Council shall be continuing qualifications to hold office and the failure of any of the Mayor and Council to have any of the qualifications required by this Section during his/her term of office shall create a vacancy in the office.
- c. The Mayor and Council, by majority vote of its disinterested members, shall be the sole and final judge of the qualifications of its members, and shall interpret and apply the standards set forth in this Chapter. 76 **Del. Laws**, c. 341, §1

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

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

- a. Each candidate shall notify the Mayor and Council in writing of his or her candidacy for the office of Mayor or Town Council.

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

At such Annual Municipal Election or special election of the Town, every person shall have one (1) vote, provided that he or she: (1) has attained the age of eighteen (18) years on the date of the Annual Municipal Election; (2) is domiciled in the Town; and (3) has properly registered to vote in the Town. For purposes of this Section, a person is "domiciled" in Camden when he or she physically resides within the corporate limits of the Town with the actual intent to make that residence his or her fixed permanent home, however, any person who is enlisted or engaged in any government service of the United States or any military organization of this State or of the United States, which service requires him or her to reside outside the limits of the Town, shall be considered to be domiciled in the Town during the period of his or her service; so long as it remains his or her actual intention to retain the Camden residence as his or her fixed and permanent home. The Town shall maintain a voter registration book at Town Hall which shall contain the following information: (1) the names of the registered voters arranged in alphabetical order; (2) the address of each registered voter; (3) the birth date of each registered voter; and (4) the date that the registrant became domiciled in the Town.

### **Section 7. Elections**

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

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

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

- a. Before entering upon the duties of their respective offices, the Councilmen Elect shall be sworn by a Notary Public, a judicial officer, or by a hold-over member of the Council to perform faithfully and impartially the duties of their respective offices with fidelity. At seven-thirty o'clock in the evening, prevailing time, at the first regular meeting following the Annual Municipal Election, the Mayor and 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 Annual Meeting, held on the first regular meeting following the Annual Municipal Election, the Mayor and Council shall organize and elect, by ballot, a Vice Mayor who shall hold office for the term of one (1) year or until his/her successor shall be duly elected. The Mayor and Council shall likewise select a Secretary, who may or may not be from among their own number, to serve until the first regular meeting after the next Annual Municipal Election. The Mayor and Council may also select such other officers or employees as may be determined to be necessary. The Mayor and Council shall determine the compensation and emoluments of those so selected.

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

The Town Council shall hold one (1) meeting in each month on the first Monday of the month. If the first Monday of the month shall be a legal holiday the monthly meeting of the Town Council shall be held on the next succeeding Monday. Special meetings shall be called by the Secretary upon the written request of the Mayor, or upon the written request of any two (2) members of the Town Council 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 at least forty-eight (48) hours before the time of said Special Meeting; provided however, that a written waiver of such notice signed by the Mayor of 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 the Special Meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states. This waiver does not eliminate the requirement for Public Notice.

#### **Section 10. Town Council Quorum**

A majority of the members of 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.

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

The Mayor and 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.

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

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

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

If a Mayor or any Councilmember, during his/her term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever, or violates Section 5a, or shall for any reason cease to be a resident of the Town, he/she shall forthwith be disqualified to act as Mayor or as a member of Council and his/her office shall be deemed vacant and shall be filled by the Mayor and Council as aforesaid. A resignation may or may not be requested by the Mayor and Council. **76 Del. Laws, c. 341, §1**

#### **Section 14. Contracts**

- a. It shall be unlawful for the Mayor and Council to make or enter into any contract in excess of One Thousand Dollars (\$1,000.00) for materials, supplies, services, work or labor, for the benefit and use of The Town with the Mayor or any member of the Council or with any partnership in which the Mayor or any member of the Council is a General Partner, or with any corporation of which the Mayor or any member of the Council is a Director or controlling stockholder or any firm or company which the Mayor or any member of the Council is pecuniarily interested; provided, that if the Mayor and all the members of the 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 the 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 Five Thousand Dollars (\$5,000.00);
  2. The purchase or contract is for personal or professional services;
  3. The purchase or contract is for any services to be rendered by a university, college, or other educational institution;
  4. The purchase or contract is for any services 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 Mayor and Council, will not permit the delay incident to advertising;
7. The purchase or contract is for property or services for which the Mayor and Council determine the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition;
8. A public emergency as determined by the Mayor and Council exists.

**Section 15. Duties of the Mayor**

- a. The Mayor shall preside at all meetings thereof, and shall vote on all matters brought before the Town Council for a vote. He/she shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He/she 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 other powers as the Town Council shall determine not in conflict with the provisions of this Charter.
- b. 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/her or any of his/her predecessors. The person against whom the Council may be about to proceed shall receive ten (10) 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 prior to removal.
- c. The Mayor may appoint such other committees as he/she deems necessary for the proper administration of the Town or the Council may, by Resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Charter.
- d. It shall be the duty of the Vice Mayor, in the absence of the Mayor, to preside at all meetings of the Town Council in the event of absence of the Mayor and perform such other duties and to have such other powers of the Mayor as are prescribed by the Charter of The Town of Camden or by any ordinance of the Town Council.

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

- a. Appointment and Removal of Town Manager

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

- b. Power and Duties of Town Manager

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

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

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

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

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

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

- c. Appointment and Removal of Chief Financial Officer

There shall be a Chief Financial Officer appointed by the Council. He or she shall serve at the pleasure of the Council and the Council shall determine the compensation and emoluments. The Chief Financial Officer may be removed by a majority vote of the entire Council, but that removal shall not become effective until at least

thirty (30) days after written notice of removal is issued. The Council shall appoint or designate an acting Chief Financial Officer if the position is vacant or the incumbent is unable to serve.

d. Powers and Duties of Chief Financial Officer

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

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

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

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

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

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

e. Town Clerk

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

f. Bond

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

### Section 17. Town Solicitor

The Mayor with the advice and consent of a majority of the 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 Mayor and Council 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 Kent County. It shall be his/her duty to give legal advice to the Mayor and Council and other officers of the Town and to perform other legal services as may be required of him/her by the Mayor and Council.

### Section 18. The Police

- a. The Mayor and 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 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 Mayor and Council shall, from time to time, prescribe. The Chief of Police shall be subject to the direction of the Mayor.
- b. Any police officer may carry out fresh pursuit of any person anywhere within this State in order to arrest such person pursued, when there are reasonable grounds to suspect that a felony, misdemeanor, or violation of motor vehicle laws has been committed in this state by such person.
- c. 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 the peace and good order thereof, the police force shall have the right and power to arrest without warrant. 76 Del. Laws, c. 341, §1

### Section 19. The Auditor

At the Annual Meeting hereinbefore provided, the Mayor, with the advice and consent of a majority of the members of the Town Council, shall appoint an accountant to be the Auditor of accounts of the Town. It shall be the duty of the Auditor



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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 Town. The Auditor shall annually make and deliver a detailed report of any and all accounts, records, and books by them examined and audited which report, under his/her hand and seal, shall be printed in a newspaper having general circulation in the Town in the issue immediately preceding the Annual Report. The Auditor, in the performance of his/her duties, shall have access to all records and accounts of the offices of the Mayor and Council and he/she is hereby authorized and empowered to employ such clerks as in his/her judgment may be necessary in the proper performance of his/her duties.

**Section 20. Assessments**

- a. The Town adopts Kent County Levy Court's approved assessment list for all real estate assessments within the corporate limits of the Town.
- b. In making real estate assessments, the rules and exemptions now applicable by law to the making of the assessment for Kent County persons and property shall be applicable insofar as is consistent with the provisions of this Charter.

**Section 21. Determination of Taxes**

- a. At the last regular meeting in the fiscal year, after having revised and completed the assessment, the Mayor and Council shall determine, in their best judgment and knowledge, the total amount necessary to be raised by the Town to meet the fixed and anticipated expenses and obligation 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 Mayor and Council should then proceed to determine, in their 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 (\$100.00) 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 25. a. 29 of this Charter as amended; and/or
  4. The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment, trash assessment; and/or
  5. The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to itemize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources (4) and (5) 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 Mayor and 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 (e) above-mentioned. This list shall be known as the Annual Tax List of The Town of Camden. 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 (\$100.00) of assessed valuation thereof.
- d. The Mayor and Council shall cause to be delivered to the Chief Financial Officer a duplicate of the Annual Tax List and the Chief Financial Officer 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, under existing laws in reference to the Town and the same are hereby declared to be valid, binding and vested in The Town of Camden created hereby.

**Section 22. Collection of Taxes**

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

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

- a. Notice Prior to Exercise. Before instituting any legal action for the collection of taxes, written notice of the amount due shall be sent to the taxable at his/her last known address.
- b. Chief Financial Officer to Have All Powers Conferred Upon Receiver of Taxes of Kent County. In the collection of delinquent taxes (including any and all charges, costs, or other assessments owed to the Town and added to the assessment list), the Chief Financial Officer shall have all of the same powers, remedies, and authority as conferred upon the Receiver of Taxes of Kent County under 9 Del. C. Chapter 87, as the same may from time to time hereafter be amended, or in accordance with any future corresponding provision of law.

**Section 24. Fiscal Year and Budget**

- a. The fiscal year for the Town shall be as determined by Resolution of the Mayor and Council.
- b. Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Mayor and Council shall prepare a rough draft of the Town Budget. From this rough draft, the Mayor and Council shall, not later than the regular meeting following the presentation of the rough draft prepared of the Town Budget, prepare the 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 year;

2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof;
  3. The amount of the debt of the Town, together with the schedule of maturities of Bond issues;
  4. An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuing year;
  5. 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";
  6. 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.
- d. The Mayor and Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

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

- a. Not by way of limitation upon the power vested in the Mayor and Council to exercise all powers delegated by this Charter to the municipal corporation or to the Mayor and Council except as may expressly appear herein to the contrary, but rather by way of enumeration and for purposes of clarity, the Mayor and Council is vested by this Charter with the following powers to be exercised by the Mayor and 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, productions, 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, shall 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, 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 agreements 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 enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners;
  7. 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;
  8. To define, prevent, abate or remove nuisances, obstructions, or any other conditions to the public safety, health or welfare;
  9. To provide an ample supply of pure water for the Town and its inhabitants and to this end, 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 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 willful or negligent injury, or damage to or interference with the water system or the equipment, property, or rights of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the

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Town limits; and to contract for and purchase water and distribute the same to users inside or outside the Town with the same full powers as though such water had been initially reduced to usefulness by the municipality itself.

10. To provide, acquire, 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 willful or negligent injury or damage to, or interference with such 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 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 thereof of the Town itself.
11. To provide, construct, extend, maintain, manage, and control the plan 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 willful or negligent injury or damage to, or interference with the electric or gas system or systems 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 inside or outside the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the Town itself.
12. 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 for the inhabitants of the Town.
13. To provide, acquire, 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, property protected, that the general public might enjoy the use thereof.
14. To grant franchises or licenses to any responsible person(s), firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions, and for such considerations as the Mayor and Council shall deem in the best interest 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 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 except that an exclusive license for sewer and/or water services may be granted to The Camden-Wyoming Sewer and Water Authority, a body politic existing under Chapter 14 of Title 16 of the **Delaware Code**.

15. To regulate and control the exercise of any license or franchise mentioned in Section 3131 of this Charter, or intended so to be;
16. To direct, regulate, and control the planting, rearing, treating 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;
17. 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;
18. To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues;
19. To regulate, control or prevent the use or storage of gunpowder, fireworks, tar, pitch, resin, and all other combustible materials and use the of candles, lamps, and other lights in stores, shops, stables, and other places; to suppress, remove or resecure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires;
20. 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 by virtue of Chapter 3 of Title 22 of the **Delaware Code**.
21. To acquire, build, erect, and maintain a suitable place as a lock-up or jail for the Town which shall be used as a place of detention for persons convicted of violation of law or Ordinance, or for detention of persons accused of violation of law or Ordinance 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 Kent County may be used for any such purpose;
22. To acquire, build, erect, and maintain buildings and facilities as necessary or required for housing and equipping the offices of the Town;
23. 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;
24. To provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both; not exceeding \$500.00 or 60 days, or both.
25. To provide for the organization of a fire department and the control and government thereof; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Mayor and Council to contribute, donate or give an amount unto 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; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Mayor and Council shall deem advisable;
26. To purchase, take, and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric 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;
27. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon;
28. To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of the Town to be used for any and all municipal purposes;
29. 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 thereon 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 construction or erection 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 29 of this Charter, the Mayor and Council shall have the authority to cause the same to be removed;

30. 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 Mayor and 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; provided, however, that nothing contained herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his/her family with whom he/she resides;
31. The Mayor and Council may, by ordinance, establish and collect a realty transfer tax not to exceed the rate of one and one-half percent (1.5%) of the value of property in conformance with the definitions and exceptions from the realty transfer tax as contained within Chapter 54 of Title 30 of the Delaware Code.
32. 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;
33. To provide for the collection of and disbursements 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;
34. 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 Mayor and Council shall selected 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 percent (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;
35. To acquire, and/or vacate the use of land tenements, personalty, property, easements, rights of way, or any interest in property, either inside or outside 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 by this Charter. Proceedings by way of condemnation in any case shall be as prescribed in Chapter 61 of Title 10 of the **Delaware Code**.
36. 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;
37. 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(s) owing the same;
38. 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;
39. 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 Mayor and Council, in their discretion, may deem most appropriate; provided, however, that any annual appropriation which is made by the Mayor and Council under any Pension Plan or any Health and Welfare Plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of the Town; and provided further, that the method of funding may, if deemed desirable by the Mayor and Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in the State and approved by a majority of the members of the Mayor and Council;

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

## Section 26. Streets and Alleys

- a. Power to Lay Out, Locate, Open, Widen, Alter, Close, Vacate or Abandon. The Mayor and Council shall have the power and authority to lay out, locate, and open new streets or alleys, or to widen or alter existing streets or alleys, or parts thereof, and to close, vacate, or abandon existing or proposed streets or alleys or parts thereof, whenever the Mayor and Council shall deem it in the best interest of the Town.
- b. Initiation of Proceedings. The procedures set forth in this Charter to lay out, locate, open, widen, alter, close, vacate, or abandon a street or alley in the Town may be commenced by Resolution of the Mayor and Council.
- c. Resolution Proposing Change: Notice; Hearing. Any such Resolution shall contain a description of the proposed change and shall fix a time, date, and place when the Mayor and Council shall sit to hear comments and objections concerning the proposal. At least 14 (fourteen) days before the date set for such hearing, the Resolution adopted by the Mayor and Council shall be printed in a newspaper having a general circulation in the Town and shall be posted in five (5) public places in the Town.
- d. Notice to Affected Property Owners. The Mayor and Council shall cause to be sent, certified mail, return receipt requested, to the owner(s) of record of the real estate through, over, or abutting which such street or alley may run. Notice to one do-owner shall be effective as to all. If the address of the owner be unknown, a copy shall be delivered to any persons occupying the premises, or if none, posted thereon. Notice to affected property owners under this §26.d shall be provided at least fourteen (14) days before the date set for the hearing.
- e. Hearing. At the time and place in the Resolution, the Mayor and Council shall hear such residents or taxables of the Town or owners of the property affected thereby, as shall attend the hearing. After hearing all comments, the Mayor and Council shall, at said meeting, or at a subsequent date, as they may deem proper, adopt a Resolution to proceed with, or abandon, the proposed locating, laying out, widening, altering, closing, vacating, or abandoning of any street (s) or alley (s) or parts thereof contemplated in its aforementioned prior Resolution. The Mayor and Council shall, within five (5) days following the adoption of the aforesaid Resolution, cause a copy of such Resolution to be provided to all affected property owners in the same manner as the notice provided under §26.d.
- f. Payment of Compensation; Acquisition of Title.
  1. Where lands taken. Whenever the Mayor and Council determine to proceed with the opening of a new street or alley, or the widening of an existing street or alley, the Town may acquire title to the lands necessary in accordance with 29 Del. C. Chapter 29 by negotiation and purchase or by condemnation in accordance with the provisions of 10 Del. C. Chapter 61, as hereafter amended or in accordance with any future corresponding provisions of law.
  2. Where street or alley closed, vacated, or abandoned. Whenever the Mayor and Council determined to proceed with the closing, vacating, or abandoning of any existing street or alley, or any part thereof, no compensation shall be paid to any property owner unless such closing, vacating, or abandoning deprives a property of all reasonable vehicular access directly between any public street or public alley and an existing garage, carport, or improved off-street parking area located on such property such that the property owner effectively loses the use thereof for off-street parking and/or temporary storage of motor vehicles. Any property owner claiming such deprivation shall notify the Town in writing of such claim within fifteen (15) days of the Resolution adopted pursuant to §26.e. Upon receipt of such notice, the Mayor and Council shall proceed to pay compensation for such damages in the same manner as in §26.f.1.

3. Disposal of abandoned and Vacated Street Lands. Whenever the land comprehended or included in any street or alley or part thereof is vacated or abandoned under this section be owned by the Town, the Mayor and Council may, in their discretion, sell such land at public or private sale and for such consideration as the Mayor and Council shall deem proper; provided that such lands shall first be offered equally to the owners abutting on each side. The Mayor and Council shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title thereto for whatever estate the Town may have therein.
4. "Street" Defined. For all purposes of this §26, the word "street" shall be deemed and held to comprehend the entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other highways owned by, titled in the name of, or under the jurisdiction and control of the Town. "Street" shall not include any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of Transportation (or any successor state agency).

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

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

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

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

- a. Resolution. The Mayor and Council shall adopt a Resolution describing the work proposed to be done and identifying the streets or alleys, or portions thereof, in, on, along, or abutting which such sidewalks, curbs, or gutters are located. Such Resolution shall identify the property address and owner of each property on, adjoining, along, or in front of which said proposed work will take place, and the amount, if any, proposed to be assessed against such property for such work. Such Resolution shall establish a date, place, and time for the holding of a public hearing to receive public comment on the proposed work and assessments. At least fourteen (14) days prior to the hearing, such Resolution shall be published in a newspaper of general circulation in the Town, posted in five (5) public places in the Town, and mailed or delivered to all affected property owners at their address as shown on the Town's tax records.
- b. Determination to Proceed. At the conclusion of such public hearing, or at a subsequent regular or special meeting, the Mayor and Council shall decide whether or not to proceed with all or any portion of the improvements referred to in said Resolution, and if it shall determine to proceed, the Mayor and Council shall determine whether the whole or some specified portion of the costs thereof shall be assessed to the owners of those properties upon which, adjoining, along, or in front of which said proposed work will take place. The amount to be paid by the owner of each parcel for their property affected shall be determined according to the lineal footage or their parcel(s) upon which, adjoining, along or in front of which the improvement or improvements are made.
- c. Property Owner's Option to Perform Work at Property Owner's Expense. The Mayor and Council may, but shall not be required to, provide the affected property owners the option to have the work done at their own expense, utilizing their own contractor or the Town's contractor in accordance with all Town standards and



specifications. In such event, any property owner electing to do so shall have all work completed to the satisfaction of the Town within such period of time (not exceeding one year) as specified by the Town in writing. In the event the property owner declines the option to have the work done at the property owner's expense, or, having elected that option, fails to do so, the Town may immediately proceed to have the work properly completed by the Town's staff and/or agents or contractors and assess the entire cost thereof against the property owner.

- d. Notice; Assessment and Collection of Costs; Lien. The Mayor and Council shall give written notice to the owner(s) of each property subject to assessment under §28.b of the work to be done, the amount(s) assessed, the due date for payment, the terms of any payment arrangements offered by the Town, and (if applicable) the property owner's option to have the work performed at his/her expense (specifying the terms that will govern such election). Such notice shall also inform the property owner(s) that if the Town performs the work, the cost thereof shall constitute a lien against the property which may be enforced in the same manner as a tax lien. If such owner or owners shall fail to pay the amount assessed by the date specified in the assessment notice or in accordance with any payment terms offered by the Town, or (if appropriate) shall fail to have such work properly completed by the date specified in the notice and the Town performs the work, such amount(s) together with interest and costs (including reasonable attorney's fees) may be collected by the same procedures as are set forth in this Charter for the collection of taxes. The amount so assessed shall be and constitute a lien upon all the property upon which, adjoining, along, or in front of which the said work was accomplished for a period of ten years from the date of mailing of the notice of assessment. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so levied. 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; provided that if the real estate remains the property of the person(s) who was/were the owner(s) at the time it was so assessed, the lien shall continue until the same is collected in full.
- e. Notice. Whenever written notice is required to be given to any "owner" by this §28, notice to one co-owner shall be notice to all. Notice may be given by mailing same, certified mail, return receipt requested, proper postage affixed, to said owner at his or her last known address as shown on the Town's tax records; provided, however, that the failure of any owner to actually receive such notice (being returned as, among other reasons, "unclaimed", "refused to accept", "moved, no forwarding address") shall not invalidate any action taken under this §28. Notice may also be given by personal delivery to the property owner at the last address shown on the Town's tax records by leaving a copy of such notice with an adult person residing within the premises.
- f. Change in Ownership. The word "owner" as used in this section shall be deemed to mean the owner(s) of record of the property at the time of the Resolution adopted under §28.a, and any change of ownership thereafter shall not be deemed or held to affect any of the proceedings described in this section.
- g. Construction Supervision, Standards. The Mayor and Council in exercising the authority granted by this section may employ such contractors, engineers, inspectors and others as the Mayor and Council may deem expedient, and may use or require the use of such materials and substances and such methods of construction as the Mayor and Council shall deem appropriate, in accordance with sound design, engineering, and construction methods.

### **Section 29. Collections of Monies**

- a. In the collection of any charges due the town for water rentals, sewer service charges, electric bills, gas bills, license fees, tapping fees, trash assessment from foot assessment, charges growing out of the abatement of nuisances, laying out and repairing paving, graveling, 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.
- b. The remedies available to the Chief Financial Officer for the collection of such charges shall be the same as those set forth in this Charter for the collection of delinquent taxes.

**Section 30. Borrowing Powers**

- a. Short-Term Borrowings by the Mayor and Council without Voter Approval; Limit on Borrowing; Tax Exempt. The Mayor and Council shall have the power to borrow money on the full faith and credit of the Town without approval of the voters and without regard to the provisions of §30.b or §30.c of this Charter, such sum or sums not exceeding in the aggregate \$500,000, for any municipal or public purpose when, in the opinion of a majority of the Mayor and Town Council, the needs of the Town require it; provided, however, that any new borrowings under this §30.a made after the effective date of this Charter, shall by their terms, be repayable in full within five (5) years of the date of each such borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of indebtedness of the Mayor and Council duly authorized by Resolution of the Town Council and signed by the Mayor and attested by the Town Manager with the town seal affixed. Any sum(s) of money borrowed on the full faith and credit of the Town shall be paid from the general funds of the Town. The aggregate amount of outstanding principal from any such borrowing or borrowings under this §30.a shall at no time exceed \$500,000.
- b. Long-Term Borrowings for Certain Projects Without Voter Approval; Public Hearing and Super-Majority Vote of Town Council Required.
  1. Limit on Borrowing and Aggregate Indebtedness without Voter Approval; Super-Majority Vote. Subject to the provisions of this §30.b, the Mayor and Council shall have the power to borrow money on the full faith and credit of the Town for the payment of principal thereof and interest due thereon, without approval of the voters and without regard to the provisions of §30.c of this Charter, such sum or sums not exceeding in the aggregate one million dollars, for those specific municipal purposes specified in §30.b.3, when, in the opinion of at least four (4) members of the Town Council, the needs of the Town require it; provided, however, that any new borrowings under this §30.b made after the effective date of this Act, shall, by their terms, be repayable in full within thirty (30) years of the date of each such borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of indebtedness of the Mayor and Council duly authorized by Resolution adopted by at least four (4) members of the Town Council and signed by the Mayor and attested by the Town Manager with the town seal affixed. Any sum(s) of money borrowed on the full faith and credit of the Town shall be paid from the general funds of the Town. The aggregate amount of outstanding principal from any such borrowing or borrowings under §30.a and §30.b shall at no time exceed one million dollars.
  2. Procedure: Notice, Hearing. In order to proceed under the power granted in this §30.b, the Mayor and Council shall authorize such borrowing in the following manner:
    - A. The Mayor and Council by Resolution shall give notice to the residents and property owners of the Town that the Mayor and Council propose to borrow a sum of money, not to exceed a stated amount, for a stated municipal purpose authorized under §30.b.3. The Resolution shall state the amount of money desired to be borrowed (which may be stated as a "not to exceed" amount), the purpose for which it is desired, the manner of securing same, and such other facts relating to the loan which are deemed pertinent by the Mayor and Council and in their possession at the time of the passage of the Resolution; and shall fix a time, date, and place for a public hearing on the said Resolution.
    - B.1. Notice of the time, date, and place of the hearing on the Resolution authorizing said loan shall be published in two (2) newspapers of general circulation in the Town not less than fourteen (14) days, nor more than sixty (60) days, prior to the date set for the public hearing. Such notice shall be in bold print or bordered in black so as to call attention thereto. In addition to the time, date, and place of the public hearing, such notices shall contain the same information as required under §30.b.2.A above.
    2. In addition to publication as herein provided, the Mayor and Council shall, not less than fourteen (14) nor more than sixty (60) days prior to the date set for the hearing, cause a public notice containing the information required above to be posted in at least five (5) public places in the Town. In the event the publications and/or postings do not appear on the same date, the date of the first publication or posting shall control.

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- C. If, at any time following the public hearing, the Mayor and Council determine to proceed with the proposed borrowing, it shall pass a second Resolution, by the affirmative vote of at least four (4) members of the Town Council, to proceed with the proposed borrowing.
3. Municipal Purposes for Which the Mayor and Council May Make Long-Term Borrowings Without Voter Approval. The power and authority of the Mayor and Council to incur long-term indebtedness on the full faith and credit of the Town without voter approval under §30.b shall be limited to the following:
- A. Erecting, enlarging, repairing, or replacing any plant, building, structure, machinery, or equipment for the production, treatment, collection storage, supply, distribution of water, electricity, sanitary sewage, or storm waters, or any of them, and the condemning or purchasing of any lands, easements, and rights-of-way which may be required therefore.
  - B. Laying out, constructing, paving, widening, or extending streets, lanes, alleys, and public ways, curbs, and gutters, including storm sewers along the same, and the condemning or purchasing of lands, easements, or rights-of-way which may be required therefore.
  - C. Erecting, enlarging, repairing, or replacing any municipal building including, by way of example, a Town Hall, a Police Department Building, a municipal warehouse, and the condemning or purchasing of lands, easements, or rights-of-way which may be required therefore.
  - D. Paying all expenses deemed necessary by the Mayor and Council for the issuance of said bonds or certificates of indebtedness, including bond discount and legal expense of bond counsel.
- c. Long-Term Borrowings; Voter Approval Required. In addition to other borrowing powers granted to the Town under this Charter or by special act, the Mayor and Council shall have the authority to borrow money for any proper municipal purpose through the issuance of bonds or certificates of indebtedness to secure the repayment thereof, on the full faith and credit of the Town for the payment of principal thereof and interest due thereon.
- 1. Proper Municipal Purpose. By way of illustration and not in limitation, "any proper municipal purpose" includes, but is not limited to:
    - A. Erecting, extending, enlarging, maintaining, repairing, or replacing any plant, building, structure, machinery, or equipment for the production, treatment collection, storage, supply, distribution or disposal of water, electricity, sanitary sewage, or storm waters, or any of them, and the condemning or purchasing of any lands, easements, and rights-of-way which may be required therefore.
    - B. Laying out, constructing, paving, widening, or extending streets, lanes, alleys, and public ways, curbs, and gutters, including storm sewers along the same, and the condemning or purchasing of lands, easements or rights-of-way which may be required therefore.
    - C. Erecting, enlarging, repairing, or replacing any municipal building including, by way of example, a Town Hall, a Police Department Building, a municipal warehouse, and the condemning or purchasing of lands, easements, or rights-of-way which may be required therefore.
    - D. Constructing, laying out, widening, extending, repairing, and maintaining boardwalks, piers, jetties, bulkheads, dams, sidewalks, crosswalks, or embankments, or any of them, and the condemning or purchasing of any lands, easements, or rights-of-way which may be required therefore.
    - E. Defraying the costs to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter.
    - F. Paying all expenses deemed necessary by the Mayor and Council for the issuance of said bonds or certificates of indebtedness, including bond discount and legal expenses of bond counsel.
  - 2. Limit of Aggregate Indebtedness. In no event shall the total outstanding indebtedness of the Town, authorized by §30.a, §30.b, and §30.c at any one time exceed, in the aggregate twelve percent (12%) of the assessed valuation of all real property within the corporate limits of the Town and subject to assessment for the purpose of levying the annual town taxes as provided in this Charter.
  - 3. Procedure: Notice, Hearing, Election. In order to proceed under the power granted in this §30.c, the Mayor and Council shall authorize such borrowing in the following manner:
    - A. The Mayor and Council by Resolution shall give notice to the residents and property owners of the Town that the Mayor and Council proposes to borrow a sum of money, not to exceed a stated

amount, for a stated municipal purpose. The Resolution shall state the amount of money desired to be borrowed (which may be stated as a "not to exceed" amount), the purpose for which it is desired, the manner of securing same, and such other facts relating to the loan which are deemed pertinent by the Mayor and Council and in their possession at the time of the passage of the Resolution; and they shall fix a time, date, and place for a hearing on said Resolution.

- B.
  1. Notice of the time, date, and place of the hearing on the Resolution authorizing said loan shall be published in two (2) newspapers of general circulation in the Town not less than fourteen (14) days, nor more than sixty (60) days, prior to the date set for the public hearing. Such notice shall be in bold print or bordered in black so as to call attention thereto. In addition to the time, date, place of the public hearing such notices shall contain the same information as required under §30.c.3.A above.
  2. In addition to publication as herein provided, the Mayor and Council shall, not less than fourteen (14) days, nor more than sixty (60) days prior to the date set for the hearing, cause a public notice containing the information required above to be posted in at least five (5) public places in the Town. In the event the publications and/or postings do not appear on the same date, the date of the first publication shall control.
- C. If, at any time following the public hearing, the Mayor and Council determine to proceed with the proposed borrowing, it shall pass a second Resolution ordering a special election to be held, upon not less than fourteen (14) days nor more than sixty (60) days' public notice, for the purpose of voting for or against the proposed borrowing. The passage of the second Resolution shall ipso facto be considered a determination by the Mayor and Council to proceed with the matter in issue; provided however, that the Mayor and Council may, at any time subsequent thereto, and based upon a significant change in the relevant circumstances, act by Resolution to cancel the Special Election and abandon the proposed borrowing.
- D.
  1. The notice of the time and place of holding the said Special Election shall be printed in two (2) newspapers of general circulation in the Town, not less than fourteen (14) days nor more than sixty (60) days before the time set out in §30.c.3.(A). Such notice shall be in bold print or bordered in black so as to call attention thereto.
  2. In addition to such publication as herein provided, the Mayor and Council shall, not less than fourteen (14) days nor more than sixty (60) days before the date set for the election, cause public notice, containing the information set out in §30.c.3.D(1) above (using the date of "posting" for date of "publication"), to be posted in at least five (5) public places in the Town. In the event the publications and/or postings do not appear on the same date, the date of the first publication or posting shall control.
  3. At such special election, any person(s) or artificial entity(s) (e.g., partnership, corporation, limited liability company) owning record title to real property in the Town shall be entitled to cast one vote (but not more than one vote shall be cast for any one property); and any resident of the Town who does not own record title to real property in the Town who would be entitled to vote in the annual Town election if it were held on that day, shall be entitled to one vote. (For purposes of this section, "entitled to vote" shall include "registered to vote" if voter registration is required for the annual town election.)
  4. Any natural person entitled to vote may cast his/her vote by a duly executed and acknowledged power of attorney. Any legal entity (other than a natural person) entitled to vote must cast its vote by a duly executed and acknowledged power of attorney. Such Power of Attorney shall be surrendered to the Board of Special Elections which shall file same in the Office of the Town Manager. Such Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election on behalf of the person or legal entity granting the power.
  5. Any Special Election held pursuant to the provisions of this section shall be conducted by voting machines, electronic voting systems, or printed ballots as permitted by law which shall have the following designation:

- For the proposed borrowing
- Against the proposed borrowing

The voter shall be instructed to mark the box for which he/she casts his/her vote. The Mayor, 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 Elections. The polling places shall be opened for a minimum of six (6) hours as specified by Resolution of the Mayor and Council. Persons in the polling place at the time appointed for closing of the polls shall be entitled to vote.

- E. The Board of Special Elections shall be the sole and final judges of the legality of votes offered at such special election. It shall keep a true and accurate list of all persons voting. It shall count the votes for and against the proposed borrowing and shall announce the result thereof. The Board of Special Elections shall make a certificate under their hands of the number of votes cast for and against the proposed borrowing and the number of void votes and shall deliver the same to the Mayor and Council which said certificate shall be retained by the Mayor and Council with the other papers of the Town.
  - F. If a majority of the votes cast at such special election shall be in favor of such borrowing the Mayor and Council shall proceed with the issuance of the said bonds or certificate of indebtedness; provided, however, that the Mayor and Council may, at any time prior to entering into a binding agreement for the public or private sale of such bond(s) or evidence(s) of indebtedness, abandon the proposed borrowing.
- d. Refunding Bonds or Certificates of Indebtedness. The Mayor and Council may, by Resolution adopted by a simple majority of the entire Town Council, authorize the issuance of bonds or other obligations under §30.a, §30.b, and/or §30.c for the purposes of refinancing any outstanding bonds or obligations of the Town without the necessity of a public hearing or a special election as would otherwise be required under §30.b and/or §30.c, provided that the outstanding principal amount of the refunding bonds or other evidences of indebtedness does not exceed the face amount refunded, plus the cost of refunding (including all bond premiums and transaction fees), and results in a present value savings to the Town. Present value savings shall be determined by using the effective interest rate of the refunding obligations as the discount rate calculated based on the internal rate of return.
  - e. Provision for Payment: Special Tax, Sinking Fund. The Mayor and Council shall provide for the payment of interest on and principal of any bonds or certificates of indebtedness issued under §30.a, §30.b, and/or §30.c at the maturity thereof. The said Mayor and Council are authorized and empowered, at its discretion, to levy a special tax upon all the real estate within the Town or only upon such real estate as is directly benefited by the improvements paid for by the proceeds of such borrowing to pay interest on said bonds and/or principal; and, at their discretion, to establish a sinking fund adequate to the redemption, at or before maturity, of all bonds or certificates of indebtedness which may be issued under the provisions of §30.a, §30.b, and/or §30.c; provided, that the amount to be raised under any special tax for this purpose shall not in any one year exceed the total amount necessary to pay all currently due principal amounts of the bonded indebtedness together with all interest currently due thereon within that year, or such amounts as necessary to enable a sinking fund to accomplish its specified purpose. The special tax provided for in this §30.e shall be collected from the owners of real estate in the same manner as the other taxes levied by the said Mayor and Council are collected. The Mayor and Council may also appropriate and set aside for such sinking fund so much of the general funds of said Town as they may from time to time think advisable. The sinking fund provided for by this §30.e shall be deposited in federally insured deposits in a bank, trust company, or other banking institution until such time as it may be needed for the redemption of the bonds.
  - f. Full Faith and Credit Unless Otherwise Stated. Unless any such bond(s) or certificate(s) of indebtedness shall provide otherwise, the full faith and credit of the Town shall be deemed to be pledged for the due payment of any bonds or certificates of indebtedness and the interest thereon issued under the provisions of §30.a, §30.b, and/or §30.c when the same shall have been properly executed and delivered for value notwithstanding any other provision of this Charter.
  - g. Revenue Bonds Without Voter Approval; Public Hearing And Super-Majority Vote of Town Council Required.

1. Authority to Issue; Super-Majority Vote. In addition to the power of the Mayor and Council to borrow money and issue bonds or certificates of indebtedness under §30.a, §30b, and/or §30.c, the Mayor and Council shall have the power and authority (subject to the provisions of this §30.g) to borrow money and issue bonds or certificates of indebtedness, and to secure payment thereof, by pledging the revenues derived from the operation of any project for which bonds may be issued pursuant to this §30.g, without the approval of the voters and without regard to the provisions of §30.a, §30.b, and/or §30.c of this Charter when, in the opinion of at least four (4) members of the Town Council, the best interests of the Town will be served thereby; provided, however, that any borrowing under this §30.g shall not obligate the full faith and credit of the Town, but shall be payable solely from the revenues of such project which are pledged, according to the terms of the bonds or certificates of indebtedness issued for the payment thereof. Any bonds or other evidence of indebtedness issued under this §30.g shall be duly authorized by Resolution adopted by at least four (4) members of the Town Council and signed by the Mayor and attested by the Town Manager with the Town seal affixed. Any sum(s) of money borrowed pursuant to this §30.g shall be paid solely from the revenues of the project pledged for the payment thereof and not from the general revenues of the Town. The project to be funded with the proceeds of indebtedness issued under this section may be accomplished by a loan of the proceeds from the bond or certificate of indebtedness from the Town to any for-profit or not-for-profit entity.
2. Purposes. 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:
  - A. The erection, extension, enlargement, purchase, repair, or replacement of any plant, machinery, appliances, or equipment for the supply or manufacture and distribution of electricity or gas for light, heat, or power purposes; for the furnishing of water to the public; or for the furnishing of sanitary sewer collection and treatment services to the public;
  - B. The acquisition, construction, reconstruction, repair, alteration, improvement, extension, financing, or refinancing of any commercial, industrial, agricultural, educational, or healthcare facility, and equipment therefore, to be operated by an for-profit or not-for-profit entity;
  - C. The purchase of land in the planning and development, including construction, erection, or installation of buildings for an industrial complex or office park when the land or buildings or both, at the discretion of the Mayor and 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.
  - D. All transaction costs, redemption premium, interest during construction, and working capital for any project described in sub-sections (A) through (C) above.
  - E. The refunding, from time to time, of any bonds issued pursuant to the provisions of this §30.g by the issuance of new bonds, whether the bonds to be refunded have or have not matured, or be subject to redemption, and the Mayor and Council may issue new bonds (pursuant to this §30.g) in sufficient amounts to provide:
    - (i) The principal amount of the obligations being refunded;
    - (ii) Any applicable redemption premiums thereon;
    - (iii) unpaid interest on such obligations to the date of delivery of the refunding bonds and interest to accrue on such obligations being refunded from the date of delivery of the refunding bonds to the first of any subsequently available redemption date or dates selected by the Mayor and Council; and
    - (iv) Any expenses, including bond discount, deemed by the Mayor and Council to be necessary for the issuance of the refunding bonds.
3. Procedures: Notice, Hearing. In order to proceed under the power granted in this §30.g, the Mayor and Council shall authorize such borrowing in the following manner:
  - A. The Mayor and Council by Resolution shall give notice to the residents and property owners of the Town that the Mayor and Council propose to borrow a sum of money, not to exceed a stated amount, for a stated project pursuant to this section. The Resolution shall state the amount of money desired to be borrowed (which may be stated as a "not to exceed" amount), the purpose for which it is desired, the manner of securing same, the fact that the full faith and credit of the Town is

not pledged as security, and such other facts relating to the loan which are deemed pertinent by the Mayor and Council and in their possession at the time of the passage of the Resolution; and they shall fix a time, date, and place for a hearing of said Resolution.

- B. 1. Notice of the time, date, and place of the hearing on the Resolution authorizing said loan shall be published in two (2) newspapers of general circulation in the Town not less than fourteen (14) days, nor more than sixty (60) days, prior to the date set for the public hearing. Such notice shall be in bold print or bordered in black so as to call attention thereto. In addition to the time, date, and place of the public hearing such notices shall contain the same information as required under §30.g.3.A above.
2. In addition to publication as herein provided, the Mayor and Council shall, not less than fourteen (14) days nor more than sixty (60) days prior to the date set for the hearing, cause a public notice containing the information required above to be posted in at least five (5) public places in the Town. In the event the publications and/or postings do not appear on the same date, the date of the first publication or posting shall control.
- C. If, at any time following the public hearing, the Mayor and Council determine to proceed with the proposed borrowing, it shall pass a second Resolution, by the affirmative vote of at least four (4) members of the Town Council, to proceed with the proposed borrowing.
4. Disclaimer. The issuance of bonds or other certificates of indebtedness pursuant to this §30.g shall not constitute a debt of the Town nor a pledge of its credit or taxing power and such bonds or certificates of indebtedness shall contain on the face thereof a statement to the following effect:  
"Neither the faith and credit nor the taxing power of The Town of Camden is pledged to the payment of the principal of, premium, if any, or interest on the Bond (Certificate of Indebtedness), nor is The Town of Camden in any manner obligated to make any appropriation for payment thereof."
5. Provisions of Resolution May be Part of Contract. Any Resolution or Resolutions authorizing any bonds or certificates of indebtedness under this §30.g may contain provisions which shall be part of a contract with the holders of the bonds thereby authorized as to any matter relating to the repayment of the bonds or certificates of indebtedness, the security therefore, the operation of the project, and any other matter or course of conduct that affects the foregoing.
6. No Limit on Amount; Not Counted towards Town's Maximum Indebtedness. There shall be no limitation on the amount of bonds to be issued pursuant to this §30.g and the indebtedness created by any bonds or certificates of indebtedness created by the Town pursuant to this §30.g shall not be used in computing the maximum indebtedness which may be created by the Mayor and Council under §30.a, §30.b, or §30.c; nor shall the Town be required to levy taxes to pay the principal of or interest on any indebtedness created by this §30.g.
7. Disposition of Property Acquired Through Revenue Bonds; Application of Proceeds. At its discretion, the Mayor and Council may dispose of any real property and any personal property acquired by the issuance of bonds or certificates of indebtedness issued pursuant to this §30.g 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 Mayor and Council may deem to be in the best interest of the Town without regard to any other provision of this Charter; provided that the revenue received from any such disposition shall be used to retire any outstanding bonds or certificates of indebtedness under this §30.g, but if none be outstanding, the revenue derived from such disposition may be used for any municipal purpose.
- h. Form of Bonds. The form of the bonds or certificates of indebtedness authorized under §30.a, §30.b, §30.c and or §30.g and the thereunto attached coupons, if any, the time or times of payment, the interest rate, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination, the name thereof, and any other relative or appurtenant matter pertaining thereto shall all be determined by the Mayor and Council after the final action required to authorize the issuance of such bonds or certificates of indebtedness has been completed (i.e., a majority vote of the Mayor and Council under §30.a; a super-majority vote following the holding of a public hearing under §30.b, or §30.g; or a favorable vote of those natural persons and legal entities entitled to vote following the public hearing and special election procedures under §30.c).

- i. Council Members Not Liable. Neither the Mayor, nor any member of the Town Council, nor any person executing any bonds or other obligations issued pursuant to §30.a, §30.b, §30.c, and/or §30.g, shall be personally liable on the bonds or other obligations, or be subject to any personal liability or accountability by reason of the issuance thereof, provided that he/she is authorized to act by Resolution of the Mayor and Council.
- j. Exempt From Taxation. All bonds or other kinds or forms of certificates of indebtedness issued by the Town pursuant to the provisions of §30.a, §30.b, §30.c, and/or §30.g, and the interest thereon, shall be exempt from taxation by the State of Delaware or by any political subdivision or agency thereof. Any property acquired and held by the Town from the proceeds of bonds or certificates of indebtedness issued pursuant to §30.a, §30.b, §30.c, and/or §30.g shall be exempt from taxation by the State of Delaware or any political subdivision thereof.
- k. Public or Private Sale. Any bonds or certificates of indebtedness authorized under §30.a, §30.b, §30.c, and/or §30.g may be sold or issued at either public or private sale. If the bonds shall be offered for public sale, they shall be sold to the best and most responsible bidder(s) therefore after advertisement in a manner to be prescribed by the Mayor and Council for at least fifteen (15) days before offering the same for sale. All bonds or certificates of indebtedness issued pursuant to §30.a, §30.b, §30.c, and/or §30.g shall be deemed to be legal instruments by any bank, trust company, insurance company, executor, administrator, curator, trustee, or other fiduciary.
- l. Statute of Limitations: 60 Days. No action contesting any proceedings conducted, or action taken, by the Mayor and Council hereunder regarding the authorization of any bonds or certificates of indebtedness issued under this §30 shall be brought after the expiration of sixty (60) days from the publication of a notice in at least two (2) newspapers, one (1) of which shall be of general circulation in the Town and one of which shall be of general circulation in the State of Delaware, which notice shall announce the following information:
  1. That the Mayor and Council has determined to borrow a certain sum of money and to issue bonds or certificate of indebtedness therefore;
  2. That the proposal has been approved (as appropriate) by the Mayor and a majority of the Town Council (if the borrowing has proceeded under §30.a), by a super-majority of the Town Council (if the borrowing has proceeded under §30.b or §30.g), or by a majority of those casting votes at a special election in the Town called for the purpose of voting for or against the borrowing (if the borrowing has proceeded under §30.c);
  3. The amount of money to be borrowed, which may be stated as a "not-to-exceed" amount;
  4. The purpose for which it is to be borrowed;
  5. The security for such borrowing;
  6. That any person desiring to challenge the authorization of such bond(s) or certificate(s) of indebtedness must bring his/her action within sixty (60) days from the date of publication of such notice or forever be barred from doing so;
  7. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto. In addition to publication as herein provided, the Mayor and Council shall cause a public notice, containing the information set out in subsections 1. through 6. above (using date of "posting" for date of "publication") to be posted in at least five (5) public places in the Town. In the event the publications and/or postings do not appear on the same date, the date of the first publication or posting shall control.

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

No action, suit or proceeding shall be brought or maintained against the Town for damages, either compensatory or punitive, on account of any physical injuries, death, or injury to property by reason of the negligence, simple, gross, or willful, or wanton of the Town 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 one year from the happening of said injury or the suffering of such damages shall notify the Town 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 by certified mail with return receipt requested and postage prepaid.

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

It shall be the duty of the Mayor and Council at reasonable time or times to compile the ordinances, current regulations, orders and rules of the Town. The Mayor and Council shall have a reasonable number of copies printed for the use of the



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officials of the Town and for public information. From time to time, upon the enactment of new ordinances, currents, rules, and regulations, or upon the enactment of amendments to the same, the Mayor and 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 copies thereof as they are enacted and there from may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

**Section 33. Miscellaneous**

- a. All the powers conferred upon or vested in the Mayor and Council of the Town by any act or law of the State of Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in the Town and/or its Mayor and Council precisely as if each of said powers was expressly set forth in this Charter.
- b. All ordinances adopted by the Mayor and Council 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 Mayor and Council under the provisions of this Charter.
- c. All of the acts and doings of the Mayor and Council or of any official of the Town Council which shall have been lawfully done or performed under the provision of any law of this State or of any ordinance of the Town or under any provision of any prior Charter of the Town Council 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 to Mayor and Council or the Town shall be due the Town and all debts from the Town or the Mayor and Council shall remain unimpaired until paid by the Town.
- 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.
- f. The bonds given by or on account of the Mayor or any official of the Town Council shall not be impaired or affected by the provisions of this Charter.
- g. All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed to the extent of any such inconsistency.
- h. If any part of this Charter shall be unconstitutional or invalid by a Court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions of this Charter.
- i. This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

74 **Del. Laws**, c. 125; 76 **Del. Laws**, c. 139; 76 **Del. Laws**, c. 341