

Frederica

ARTICLE I.

Section 1: Incorporation

The inhabitants of the Town of Frederica, Kent County, Delaware, 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 Frederica."

Section 2: Territory and Limits

The limits and boundaries of The Town of Frederica shall be as previously fixed and established or hereafter altered according to law and shall be marked and defined according to maps and plots now of record or hereafter recorded in the Office of the Recorder of Deeds in and for Kent County pursuant to lawful annexation proceedings. Such maps and plots, when so made and approved by the said Council, and signed by the Mayor and Secretary of council, and sealed with the town seal and when recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for Kent County, shall be deemed to be the true and correct maps and plots of the town and of all the streets, boundaries, lanes and alleys thereof, and the same, or the record thereof, or a duly certified copy of said record, shall be evidenced in all courts of Law and Equity in the State of Delaware.

Section 3: Annexation

- a) General Requirements The Town of Frederica shall have the power to and authority to extend its boundaries by annexation of territory contiguous to its then existing town limits, and extend and apply to such annexed territory all laws, ordinances, and resolutions in force within the town, so far as they may be applicable. All annexations must be consistent with 22 **Del. C**, Section 101.
- b) Procedures The Town of Frederica may extend the boundary limits of the town so as to include any portion of adjoining or adjacent territory, under the following terms and conditions:
 1. the annexation process under this Section shall only be initiated by a written petition to annex territory submitted by the Mayor, or by member(s) of the Town Council, or by at least 25% of the qualified voters in the territory. The petition to annex, containing a general description of the territory, must be filed with the Town Clerk of The Town of Frederica,
 2. upon the filing of a petition, the annexation must be approved in the following order:
 - a. The Town Council must enact an ordinance approving the proposed annexation. The ordinance must provide a legal description of the territory, adopt the corresponding changes to the boundaries of the municipality and contain such other provisions as may be required by law.
 - b. A majority of the qualified voters in each parcel of the territory, voting in a special election held by the proper election official, must approve of the annexation. Such special election shall be held not less than 30 days nor later than 60 days following the date of approval of the ordinance by the Town Council of The Town of Frederica.
 - c. If the proper election official certifies that the results of the special election indicate that a majority of the qualified voters in each parcel of the territory who voted in such election approved of the proposed annexation, the annexation shall become effective on the first day of the month immediately following such certification.
 3. if the Town Council shall fail to enact the respective ordinances required under this Section, or if the certification of the votes cast in the special election shall indicate that a majority of the qualified voters in each parcel of the territory who voted in such election was against the annexation of the territory, the proposed annexation of the territory shall be declared to have failed. Nothing in this Section shall prohibit any interested party from

resubmitting a petition for annexation of the territory, or any portion thereof, under the authority of and in accordance with this Section.

4. if all of the property owners of the territory contiguous to the then existing corporate limits and territory of The Town of Frederica, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Frederica shall appoint a Committee composed of not less than three (3) of the members of the Town Council to investigate the possibility of annexation. Territory which is otherwise contiguous except for its separation from the corporate limits and territory of The Town of Frederica by public roadway, street, thoroughfare, easement or right-of-way shall be deemed contiguous for purposes of annexation under this Charter. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its finding and conclusions to the Mayor and Town Council of Frederica. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Frederica and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Frederica may then pass a second Resolution annexing such territory to The Town of Frederica. Such Resolution shall be passed a majority of the members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by at least 25% of the qualified voters but less than all of the property owners of a territory contiguous to the then limits and territory of The Town of Frederica.
5. notwithstanding any provisions being to the contrary, the town, by resolution of Council, may extend its corporate boundaries without an election, provided that the said territory to be annexed is owned entirely by the town.
6. the following definitions shall apply to this Section:
 - a. **'Adjacent'** means to lie upon or touch the boundary of the Town of Frederica.
 - b. **'Adjoining'** in addition to its general meaning, shall also mean to lie upon or touch a highway, railroad right-of-way, or watercourse which lies upon the boundary line of the Town of Frederica and separates the town and the territory by only the width of such highway, railroad right-of-way or watercourse. If more than 1 highway and/or railroad right-of-way and/or watercourse, or any combination of the same, separates the town and the territory, and such highways and/or railroad rights-of-way and/or watercourses lie upon or touch each other, then the town and the territory shall be deemed adjoining.
 - c. **'Parcel'** shall mean the property in the territory to which is assigned a separate tax parcel number on the books and records of the Kent County Board of Assessment.
 - d. **'Qualified voter'**:
 - (i) Every person 18 years of age or older who at least 30 days prior to the date of the special election is a duly registered voter in the election district or districts of Kent County, DE, and who resides in said territory, shall be entitled to 1 vote each.
 - (ii) Unless already qualified to vote under paragraph (i) of this subsection and subject to paragraph (iii) of this subsection, each owner of a parcel of real estate located in the territory, as evidenced by the assessment records of Kent County, shall be entitled to 1 vote each. Corporations, limited partnerships or other entities which own real estate in the territory shall be

entitled to 1 vote each under this subsection, which right to vote shall be permitted by the judge of the election at the special election upon receipt of a sealed, certified copy of a corporate resolution passed by the governing body of the corporation, or the equivalent of such resolution of the entity involved, authorizing an officer, agent or other person to vote on behalf of the entity at the special election.

- (iii) Unless already qualified to vote under paragraph (i) or (ii) of this subsection, each holder of a then-current leasehold interest in a parcel in the territory, as evidenced by a certified copy of the lease reflecting that interest submitted to the judge of the election at the time of the special election, shall be entitled to 1 vote each, which shall be permitted in the same fashion as if carried out under the provisions of paragraph (i) or (ii) of this subsection, as the case may be.

Section 4: Structure of Government

The government of The Town of Frederica 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 two (2) 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 Town Council

The qualifications for Mayor and Town Council members are as follows:

- a) A bonafide citizen of the U.S. and of the State of Delaware and a resident of The Town of Frederica for at least one (1) year preceding the Annual Municipal Election;
- b) At least 18 years of age;
- c) Shall be registered to vote as provided herein. Each of the qualifications for the Mayor and the Town Council shall be continuing to hold office and the failure of either the Mayor or any of the Town Council members to have any of the qualifications required by this Section during his or her term of office shall create a vacancy in the office;
- e) Shall not be delinquent in the payment of taxes or other assessments; and
- f) No one is to hold office who has been convicted of a felony.

Section 6: Candidacy for Mayor or Town Council

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

- a) Each candidate shall notify the Secretary of the Town Council in writing of his or her candidacy for the office of Mayor or Town Council.
- 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 Wednesday of January for candidates to file. All notifications of candidacy shall be publicly presented to the Town Council at the regularly scheduled meeting of Council in February of each year.

Section 7: Municipal Election Procedures

The procedure for holding annual municipal elections shall be as follows:

- a) The Annual Municipal Election shall be held at Town Hall in Frederica on the first Saturday in March of each year from twelve o'clock in the afternoon, prevailing time, until five o'clock in the evening. In the event that the Town Hall is not available for holding town elections during any year, Council shall designate a place within the town limits of The Town of Frederica for the holding of said annual elections by giving at least ten (10) days notice of such place of election

- posted in at least five (5) of the most public places in The Town of Frederica. In the event that the first Saturday in March in any year shall fall on a holiday, then such election shall be held on the following Saturday.
- b) The present members of the Town Council shall by this Act be appointed to serve and shall continue to act as Council members of the town until their successors are elected and qualify pursuant to the first general election provided hereunder.
 - c) 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 necessary to vote in an election held under the laws of the State of Delaware; (2) is a citizen of the United States; and (3) has properly registered to vote in The Town of Frederica for at least thirty (30) days prior to the date of the election; (4) provides proof of current residence; (5) is not delinquent in the payment of any taxes or other assessments levied by the town.
 - d) The Town Council shall have the authority to enact such ordinances concerning the registration of qualified voters for municipal elections in The Town of Frederica as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as herein above set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.
 - e) The Town Council may, by ordinance, establish a procedure for absentee voting consistent with the provisions of Title 15, Chapter 55 of the **Delaware Code**.
 - f) All elections under the provisions of this charter shall be held by two (2) persons designated by the Council for such purpose. These persons shall be considered the Election Board and may be incumbent members of Council who are not candidates for election or re-election. All elections under the provisions of this charter shall be conducted by the Kent County Department of Elections including operating voting machines, maintaining accurate records of votes cast and certifying the same to Council. Council shall make arrangements with the Kent County Department of Elections for the use of an appropriate number of voting machines to be used at any election prior to the Annual Municipal Election.
 - g) In the event no contest exists in any election, the official candidate may assume office without the holding of a formal election.
 - h) In the event of a tie vote for any office, the Election Board shall determine the winning candidate by lot.

Section 8: Vacancies

If any vacancy shall occur in the office of Mayor or Councilperson, by death, resignation, loss of residence in The Town of Frederica, refusal to serve or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members, and shall hold office for the remainder of the unexpired term. If within three (3) months of a contested election, a vacancy shall occur in the office of Mayor or Councilperson, the candidate who received the next highest vote in the Annual Municipal Election shall fill the vacancy.

Section 9: Forfeiture of Office

A forfeiture of office shall occur when the Mayor or Council member:

- a) During his or her term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment.
- b) Has six (6) or more unexcused absences from regular council meetings within a twelve (12) month period.
- c) For any term whatever, or shall for any reason cease to be resident of The Town of Frederica, he or she shall forthwith be disqualified to act as a member of Council or Mayor, and his or her office shall be deemed vacant and shall be filled by Council, as aforesaid.
- d) Willfully violates any express prohibition of this Charter.
- e) Is physically, mentally, or emotionally incapable of performing the functions of his or her office.

The Council shall make determinations concerning forfeiture of office, but the affected party shall not have a vote in any such decision. Such deliberations may be had in executive session and if the Council determines by a unanimous vote, that forfeiture has occurred, it shall, within forty-eight (48) hours of that determination, provide him or her written notice thereof, stating specific reasons. The affected party shall then have ten (10) days in which to make a written demand for a public hearing before the Council, to be held within twenty (20) days of the written demand, at which hearing he or she may appear with the assistance of counsel and present evidence to the relevant issues. Thereafter, the Council shall hear any other relevant evidence and vote again on the question of forfeiture; and if a determination of forfeiture is again made by a unanimous vote, the decision shall be final. Failure of the affected person to make written demand for a public hearing as herein above stated shall be an absolute bar to his or her right to challenge that decision. During, or in connection with, any such proceedings, the Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done at the written request of the affected person. Upon a determination of forfeiture, the office shall be deemed vacant and shall be filled by Council, as aforesaid.

Section 10: Duties of Mayor and Town Council

- a) The Mayor of The Town of Frederica shall be President of the Town Council and shall preside at all meetings thereof. He or she shall appoint all committees.
- b) The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all members of the Council, remove from the office, any person appointed by him or her or by any of his or her predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five (5) days notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and a fair hearing, if such a request is received by the Mayor by registered mail with return receipt requested ten (10) days following the date that notice of removal is received by such person.
- c) The Mayor may appoint such other committees as he or she deems necessary for the proper administration of The Town of Frederica 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 Secretary of the Town Council, in the absence of the Mayor to preside at all of the meetings of the Town Council and in the event of the absence of the Mayor to perform such other duties and have such other Powers of the Mayor as are prescribed by the Charter of The Town of Frederica or by any ordinance of the Council.

Section 11: Meetings

The Town Council of The Town of Frederica shall hold two (2) meetings in each month on the first and third Wednesday of each month at seven o'clock p.m. If the first Wednesday of the month shall be a legal holiday, the meeting shall be cancelled and the next meeting shall be on the third Wednesday of the month. Emergency meetings may be held when necessary for the immediate preservation of public peace, health and safety. Notice of all meetings shall be consistent with Title 29 Chapter 100 of the **Delaware Code** as amended from time to time.

Section 12: Duties of Treasurer and Town Clerk

- a) At the Annual Meeting the Council shall appoint a Treasurer who shall serve until such time as his or her successor shall have been duly appointed and qualified. He or she shall be custodian of all funds of The Town of Frederica and shall deposit them, daily, in banking institutions located in the town as designated by the Town Council. The Treasurer shall not pay out any money except upon check or warrant countersigned by the Mayor and authorized by the Council; shall keep a true, accurate and detailed account of all monies received and of all monies paid out by him or her; shall preserve all vouchers for monies paid by him or her; and his or her books and accounts shall at all times be open to inspection by the Mayor or the members of the Council; and he or she shall make such reports and at such times as the

- Council may direct. He or she may be a member of the Council. The Treasurer shall be responsible for the collection of all taxes, assessments, rentals, license fees or other charges due The Town of Frederica. The Treasurer may also serve as the Town Clerk.
- b) The Town Clerk shall be responsible to the Town Council for the proper administration of the affairs of town placed in his or her charge as well as for the supervision of the administrative affairs of the town under his or her charge and to make reports to the Town Council as are required by the Town Council. Additionally, the Town Clerk shall make recommendations to the Town Council concerning the affairs of the town as may be seem to him or her to be desirable. The Town Clerk shall be appointed by the Town Council and shall be responsible for the duties proscribed by the Town Council. The Town Clerk shall hold office until such time as his or her successor shall have been duly appointed and qualified. He or she shall assist the Treasurer in the collection of taxes, assessments, license fees or other charges due the town. He or she shall pay over to the Treasurer at least monthly, or more often if required by the Council, all monies received or collected by him or her and by any employee under his or her supervision.
 - c) The Treasurer and the Town Clerk, before entering upon the duties of said offices, shall give bond of said offices to the Town Council of Frederica at the expense of the Town Council of Frederica in such manner as shall by them be determined, with surety to be approved by said Council conditioned for the faithful performance of the duties of said offices.

Section 13: Duties of Secretary

At the Annual Meeting, the Council shall elect a Secretary for a term of one (1) year, or until his or her successor shall have been duly elected and qualified. The Secretary shall keep an accurate record of all meetings, and of all matters relating to The Town of Frederica as shall come to him or her. He or she shall keep the corporate seal of the town and affix the same to all instruments requiring the same upon resolution of the Council authorizing and directing him or her to do so. The record of the Secretary shall be received in evidence. In case of temporary absence or inability to act of the Mayor, the Secretary, when lawfully acting as Mayor, shall have all the powers conferred upon the Mayor by this charter.

Section 14: Town Solicitor

At the Annual Meeting the Town Council shall appoint a Town Solicitor for a term of one (1) year or until his or her successor shall have been duly appointed and qualified. The Town Solicitor shall be an attorney at law, a member of the Bar of the State of Delaware, and have practiced law in the State of Delaware for at least five (5) years. It shall be his or her duty to give legal advice to the Town Council and other officers of the Town, and to perform other legal services as may be required of him or her by the Town Council.

Section 15: Assessment of Taxes

- a) The Mayor, along with the Town Council, may appoint a Board of Assessment composed of three (3) members, each of who shall be domiciled within the corporate limits of the town and who shall serve for an indefinite term. It shall be the duty of the Board of Assessment to make a fair, true and impartial assessment and valuation of property subject to taxation situate within the limits of The Town of Frederica and to perform such other duties with reference thereto as shall be prescribed from time to time by the Town Council. The compensation to be by them received for the performance of their duties and the hiring of employees to assist them in the performance of their duties shall be fixed by and subject to the approval of the Town Council.
- b) In addition to the appointed Board of Assessment, it shall be within the discretion of the Council to appoint a professional assessor to assist the Board Assessment in performing the duties of the office to which they were appointed, but the Board of Assessment shall in all instances be responsible for making the final determination.
- c) The Council may adopt the assessment of Kent County for any or all property located within the corporate limits of The Town of Frederica, in lieu of making its own, independent assessment and valuation, anything herein notwithstanding. In such event, the assessed values established by Kent County shall be conclusive for the purposes of levying town taxes, and the Town Council shall have no authority to hear appeals regarding the same. If the Town Council elects to adopt the Kent County Assessments, only this Section shall have effect; but the Town

Council will have the authority to consider appeals concerning any additions to tax bills under the provisions of this charter at any regular meeting.

Section 16: Levy of Annual Taxes

- a) After the valuation and assessment shall have been examined, revised and completed, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be raised by the town to meet the fixed and anticipated expenses and obligations of the town, including reasonable and appropriate reserves, for that fiscal year as set forth in the town budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.
- b) The Town Council shall then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source. They shall then proceed to cause to be delivered to the town Treasurer a list of assessment containing the names of taxables, the name of each taxable, the amount of real estate, and the taxes on the whole valuation and assessment and the rate per hundred dollars thereof. Such list or assessment shall include the list and all charges, costs, or other assessments owed to the town.
- c) The Town Treasurer immediately after receiving said list and warrant, shall proceed to collect the taxes as written and contained in said list and in collecting the same shall have all of the power conferred by law on the receiver of Taxes in Kent County by virtue of the Laws of Delaware now in force or hereafter enacted. In the collection of said taxes, the Council shall authorize and order the Town Treasurer to add to the amount of the tax assessed against the property of any taxable to be paid after the last day of September in the year in which the assessment and warrant shall be delivered to him or her, a penalty at the rate of one and half percentum (1.5%) per month until same shall be paid, which penalty shall also apply to any additional charges added to the tax bill pursuant to this Section.

Section 17: Remedies for Collection of Taxes, Assessments and Other Charges

- a) Before exercising any of the powers hereinafter given for the collection of taxes, assessments and other charges, written notice of the amount due shall be sent to the owner of the property at his or her last known address by the Town Treasurer.
- b) The Town Treasurer, when any tax, assessment or other charge has become delinquent, may, in the name of The Town of Frederica, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Kent County, or in the Superior Court of the State of Delaware, in and for Kent County, for the recovery of the unpaid tax, assessment or charge in an action of debt, and upon judgment obtained, may sue out writs of execution as in the case of other judgments recovered before a Justice of the Peace Court or in the Court of Common Pleas, or in the Superior Court as the case may be, provided however that, as to any personal property of the taxable or assessee in Kent County levied upon by the Sheriff within 60 days after the writ of execution was delivered into his or her hands, the lien of judgment shall have priority over all other liens against such personal property created or suffered by the delinquent, (excepting only the liens of the Federal, State or Kent County government), although such other liens be of date prior to the time of the attachment of the said tax liens to the personal property so levied upon.
- c) Should the Council so elect, and without necessity of employing any or all of the other remedies provided herein, the Town Treasurer is authorized and empowered to sell the lands and tenements of a delinquent or the lands and tenements alienated by a delinquent subsequent to the levy of the tax, assessment or other charge by the following procedure:
- d) The Town Treasurer shall present in the name of The Town of Frederica to the Superior Court of the State of Delaware in and for Kent County, a petition in which shall be stated:
 1. The name of the taxable or assessee;
 2. The year for which the tax, assessment or other charge was levied, assessed, or charged;
 3. The rate of tax, assessment, or other charge;

4. The total amount due;
 5. The date from which the penalty for nonpayment, if any, shall commence and the rate of such penalty and any collection charge permitted;
 6. A short description of the lands and tenements proposed to be sold, sufficient to reasonably identify same;
 7. A statement that the bill of said tax, assessment or other charge has been mailed to the taxable or assessee at his or her last known post office address with return receipt requested by certified mail and postage prepaid, together with a notice that the Town Treasurer would proceed to sell the lands and tenements of the taxable for payment of the tax, assessment or other charge due the town; and the date of such mailing; and
 8. The petition shall be signed by the Town Treasurer and shall be verified before a Notary Public.
- e) At least ten (10) days prior to the filing of any such petition as described herein, the Town Treasurer shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable or assessee at his or her last known address requiring a registered receipt returnable, an itemized statement of the tax, assessment or other charge due, together with all penalties, collection charges, and costs then due thereon, together with a notice to the delinquent that he or she shall proceed to sell the lands and tenements for the payment of the tax, assessment or other charge. The Town Treasurer shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the delinquent cannot be found, or if delivery is refused, it shall be sufficient for the Town Treasurer to file with said petition the evidence that such statement has been mailed in accordance with this subsection and has been returned.
- f) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Kent County, and shall endorse upon the said record of said petition the following:
- ‘This petition, filed the ___ day of ___, ___ (giving year and date), and the Town Treasurer of The Town of Frederica is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount.’
- This endorsement shall be signed by the Prothonotary.
- g) Any sales of lands and tenements of a delinquent shall be advertised in five (5) public places in The Town of Frederica, one (1) of said public places shall be the Town Office and one (1) of which shall be on the premises and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in The Town of Frederica. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least fifteen (15) days before the day fixed for the sale and the newspaper advertisement shall be published at least fifteen (15) days before the day of the sale.
- h) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Kent County at the next Motion Day thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be set aside, the Superior Court may order another sale and so on until the tax, assessment or other charge be collected. No sale shall be approved by the Superior Court if the owner is ready at court to pay the taxes, assessments or other charges as well as all penalties, collection fees and costs. If the sale be approved, the Town Treasurer making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent or his or her alienee; provided however, that no deed shall be delivered to the purchaser until the expiration of one (1) year from the date of the sale within which time the delinquent or his or her alienee, heirs, executors, administrators or assigns, shall have the power to redeem the lands on payment to the purchaser, his or her personal representatives or assigns, the costs, the amount of the purchase price, plus twenty percent (20%) and the expense of having the deed prepared. All taxes assessed after the sale and before the delivery of the deed shall be paid by the purchaser at said sale who shall be reimbursed by the delinquent in the event of

- redemption to which shall be added twenty percent (20%) thereon. In the event the purchaser refuses to accept the same, or in the event he or she, his or her heirs or assigns, cannot be located within the State of Delaware, it shall be lawful for the owner, his or her heirs, executors, administrator or assigns, to pay the redemption money to the Town Treasurer of Frederica and upon obtaining from him or her a receipt therefore, such receipt shall be considered for all intents and purposes a valid and lawful exercise of the power to redeem the said lands. In the event the lands have not been redeemed within the redemption year, the Town Treasurer shall deliver to the purchaser, his or her heirs, executors, administrator, or assigns, a deed which shall convey the title of the taxable or assessee. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.
- i) After satisfying the tax, assessment, or other charge due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land. If he or she refuses to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank either to the credit of the owner or in a manner in which the fund may be identified.
 - j) In the sale of lands for the payment of delinquent taxes, assessments, or other charges the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be, in the amount customarily charged:
 - 1. To the Prothonotary for filing and recording the petition.
 - 2. For filing and recording the return of sale.
 - 3. To the Town Treasurer for (i) preparing the Certificate, (ii) making the sale of lands, (iii) preparing and filing a return, (iv) posting sale bills. In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee, if any, shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.
 - k) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale and in the Petition to the court.
 - l) If any person is assessed for several parcels of land and tenement, in, the same assessment in The Town of Frederica, the total of said taxes, assessments, or other charges may be collected from the sale of any part or portion of said lands and tenements.
 - m) In the event of death, resignation or removal from office of the Town Treasurer of The Town of Frederica before the proceedings for the sale of lands shall have been completed, his or her successor in office shall succeed to all of his or her powers, rights, and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his or her receiving a deed for the property purchased thereat, the person having right under him or her by consent, devise, assignment, or otherwise, may refer to the Superior Court of the State of Delaware, in and for Kent County, a petition representing the facts and praying for an order authorizing and requiring the Town Treasurer to execute and acknowledge a deed conveying to the petitioner the premises so sold, and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.
 - n) The Town Treasurer shall have the same right to require the aid or assistance of any person or persons in the performance of his or her duty of sale which the Sheriff of Kent County now has by law or may hereafter have.

Section 18: Town Budget

- a) The fiscal year of The Town of Frederica shall begin on the first day of July of each year and shall end on the last day of June. Such fiscal year shall also constitute the budget and accounting year.
- b) Annually each year, and not later than the first Wednesday in May the Council shall cause to be submitted a budget containing the financial plan for conducting the affairs of the town for the ensuing fiscal year.

The budget shall contain the following information:

1. A detailed estimate of the expense of conducting each department and office of the town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the town, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, the amount required for the sinking fund.
5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the town from any source or sources.
6. Council shall allow adequate reserve for depreciation.

The budget shall be used as a guide in determining town expenditures but shall not be a limitation upon the power of the Council to appropriate funds in excess of the amounts set forth in the budget, if in its discretion it seems advisable to do so.

Section 19: Use of Town Money

The Town Council shall have the power and authority to use the money in the Treasury of said town, or of any portion thereof, for the improvement, benefit, protection, ornament, and the best interest of the said town as it may deem advisable and to use the town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Constitution, Laws of Delaware, this Charter and all lawful ordinances and resolutions of Council. In general performance of their duties and acts, doings and determination of a majority of the Council of The Town of Frederica shall be as good and binding as the acts, doings and determination of the whole.

Section 20: Enumeration of Powers

Not by way of limitation upon the power vested in the Town Council to exercise all powers delegated by this Charter to the municipal corporation except as may expressly appear herein to the contrary, but, rather, by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by said Town Council in the interest of good government and the safety, health and 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 and good order 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, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipe line, or portion thereof, in the town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway of the State of Delaware or Delaware Department of Transportation (DELDOT) for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway, or other highway within the town.
6. To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same, and to impose taxes on the owners of dogs and to regulate the keeping of livestock, poultry and dogs.
7. To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer or manure plants or establishments, swine pens, privies, water closets and any businesses or buildings or

- conditions detrimental to the public health or constituting a public nuisance or of an offensive or noxious nature.
8. To purchase or otherwise acquire, or to construct, lay out, fence and maintain one or more cemeteries within the corporate limits of The Town of Frederica and to use or permit the use thereof for the burial of human beings.
 9. To enforce the removal of snow, ice, dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.
 10. To prohibit, remove, or regulate the erection and maintenance of any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection of projection in, over, upon or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the town.
 11. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.
 12. To provide an ample supply of pure water for the town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control, and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in and about the collection, storage, purification, conveyance, distribution or sale of water; to regulate and prescribe for what private or public purposes the water furnished by the municipal corporation 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 equipment of the town; to furnish, or refuse to furnish, water from the town system to places and properties outside the town limits; and to contract for and purchase water and distribute the same to users within or without the town with the same full powers as though such water had been initially reduced to usefulness by the municipal corporation itself.
 13. To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the town; to regulate and prescribe for what private or public 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 the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the town system to places and properties outside the town limits; in the interest of the public's health, to compel any and all properties in the town to be connected to the sewer system of the town and to contract for and purchase sewer disposal service and to resell the same to users within or without the town with the same full powers as though such service had been initially provided by the facilities therefore of the municipal corporation itself.
 14. To provide, construct, extend, maintain, manage and control a plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the town and for lighting the streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, public buildings or other public places of 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 necessary properly 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 municipal corporation may be used, the manner of its use, the amount to be paid by the users thereof, the mains 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 electric or gas 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 user within or without the town with the same full powers as though such current or gas had been initially reduced to usefulness by the municipal corporation itself.

15. To fully control within the town the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the town, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the town.
16. To provide, construct, extend, maintain, manage, and control jetties, bulkheads, embankments, flood gates, piers, boardwalks, or fills for the preservation of any strand or highland within the limits of the town or contiguous thereto, to the end that the same may be preserved, property protected and the general public might enjoy the use thereof.
17. To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the Town Council shall deem wise, to use the present and future streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, and other public places of the town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the town and to 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 wharves and piers, and for the purposes of vending any article of merchandise or service upon, or from any vehicle upon any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.
18. To regulate and control the exercise of any license or franchise mentioned in Section 20 (17) of this Charter or intended so to be.
19. To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the town and to authorize or prohibit the removal or destruction of said trees.
20. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.
21. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.
22. To regulate, control or prevent the use of storage of gunpowder, fireworks, tar, pitch, resin and all other combustible materials and the use of candles, lamps and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.
23. For the prevention of fire and the preservation of the beauty of the town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the town; and make particular provisions for particular zones of districts with regard to building or building materials; and, generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under and by virtues of 22 Del. C. § 301 et seq., and all amendments thereto.
24. To acquire, build, erect and maintain a suitable place as a lock-up or jail for the town which shall be used as a place of detention for persons convicted of violation of law or ordinance, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial; and to provide for the restraint, support, and employment of paupers, beggars and vagrants; provided, that the jails of Kent County may be used for any such purpose, in which event the town shall pay for the board of persons committed thereto for violations of ordinances of the town which are not violations of any general law of the State.
25. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices of the town.

26. To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, beanshooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.
27. To provide for the punishment of a violation of any ordinance of the town by fine or imprisonment, or both, not exceeding One Thousand Dollars (\$1000.00) or sixty (60) days.
28. To provide for the organization of a fire department and the control and government thereof; to establish fire limits and do all things necessary for the prevention of extinguishment of fires; and, in their discretion, to contribute, donate or give an amount or amounts, not to exceed in the total during any given fiscal year, three per centum (3%) of the total taxes levied on real estate, unto any Volunteer Fire Company or Companies incorporated under the Laws 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 Town Council shall deem advisable.
29. To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the town and to sell the same.
30. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon, except lands belonging to the town.
31. To levy and collect an administrative processing fee for the collection of taxes from all properties, to be used to offset the cost to the town of collecting said taxes.
32. To levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, 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 leasee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies for the collection thereof set forth in Section 20 (29) of this Charter, the Town Council shall have authority to cause the same to be removed.
33. To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the town) of such various amounts as the Town Council from time to time shall fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the town; provided, however, that nothing 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 or her family with whom he or she resides.
34. To determine from which authorized sources and in what proportions taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the municipal corporation and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.
35. To provide for the collection of and disbursement of all monies 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 the Charter.
36. To borrow money in the name of the town for any proper municipal purpose, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the town or such other security or securities as the Town Council shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the town shall be exempt from all State, County or municipal taxes; provided, 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 per centum (25%) of the assessed value of all real estate in the town subject to assessment for the purpose of levying the annual tax hereinbefore mentioned.
37. To acquire, and/or vacate the use of, lands, tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the town, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by the Charter. Proceedings by way of condemnation in any such case shall be the same or prescribed hereafter in Section 25 of this Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 25 shall be changed and modified to cover any case contemplated hereby.
 38. To appropriate money to pay the debts, liabilities and expenditures of the town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the town in case of emergency.
 39. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge or other amount due the town by the performance of labor or service for the town by any person owing the same.
 40. To inquire into and investigate the conduct of any office, officer, agent, or employee of the town or any municipal affair, and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.
 41. The Town Council may, by ordinance duly adopted in accordance with this Charter, establish a pension plan or a health and welfare plan, or both, for the employees of The Town of Frederica under such terms and conditions as the Town Council, in its discretion, deems most appropriate; provided, however, that any annual appropriation which is made by The Town of Frederica under any such pension plan or health and welfare plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of The Town of Frederica and provided further that the method of funding may, if deemed advisable by the Town Council, be handled through a recognized insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of Town Council.
 42. To make, adopt and establish all such ordinances, regulations, rules, and by-laws not contrary to the laws of this State and the United States, as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the town, the protection and preservation of persons and property and of the public health and welfare of the town and its inhabitants; provided, that any ordinance relating to the public health of the town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same, shall apply within the corporate limits of the town.
 43. a) The Town Council of The Town of Frederica, in addition to the powers now conferred, shall have the power and authority by ordinance or ordinances to levy, assess and collect or provide for the levying, assessment and collection of such taxes as shall be determined by the Town Council for The Town of Frederica to be paid by the transferor or transferee upon The transfer of real property or any interest in real property, situated within the corporate limits of the Town of Frederica, Delaware, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfers occur; provided, however, that no tax levied under this Section shall exceed the maximum allowance allowable by state law; and provided further that no tax shall be levied upon an organization exempted from ad valorem real estate taxes.
 - b) No ordinance or ordinances providing for a tax on the transfer of real property or any interest in real property authorized under this Section shall become effective unless it receives an affirmative vote of two-thirds (2/3) of all the elected Town Council members of The Town of Frederica.

- c) If the taxing power authority granted under this Section shall be exercised by way of a stamp affixed to a document presented for recording, the Recorder of Deeds in and for Kent County shall not receive for record any documents subject to said tax unless such stamps are affixed thereto.
- d) The Town Council of The Town of Frederica may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the provisions of this Section.

Section 21: Procedure for Enacting Ordinances

- a) In addition to acts of Council as are required by this Charter or by law to be by ordinance, every act of Council establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of The Town of Frederica hereby ordains..."
- b) Every proposed ordinance shall be introduced in writing and none shall be passed unless it shall have had at least one (1) reading in full at a previous meeting. After passage on first reading, notice shall be published in at least one (1) paper of general circulation in The Town of Frederica, at least ten (10) days prior to the established hearing date, stating the time and place where said ordinance will be given public hearing and consideration for final passage. At the established hearing date, each proposed ordinance may be read by title only and considered for passage. Subsequent to the hearing, Council may pass the proposed ordinance, or a substitute version thereof that is substantially similar thereto. Amendments of existing ordinances making substantive changes, and ordinances enacted to repeal existing ordinances, are subject to the same procedural requirements as herein prescribed for the enactment of a new ordinance.
- c) Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.
- d) To meet a public emergency affecting life, health, property or public peace, the Council may adopt emergency ordinances which shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating clearly and specifically that an emergency exists. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members of Council shall be required for adoption. The ordinance shall then become effective immediately unless otherwise specified, but every emergency ordinance, including any amendments made therein after its adoption, shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, unless by regular ordinance action by Council, and it shall be the duty of the Secretary of The Town of Frederica to so notify the Council.

Section 22: Justice of the Peace

The Justice of the Peace Court shall have the jurisdiction and cognizance of all violations of ordinances of The Town of Frederica so far as to arrest and hold for bail, or fine and imprison offenders; and also of all fines, penalties and forfeitures prescribed by this Charter or any law of the State of Delaware or by any ordinance of the Council and also of all neglects, omissions or defaults of any member of the town police force or other town officer or employee, provided that in the case of violation of an ordinance, no fine or penalty shall be imposed in excess of that fixed by the ordinance. The appropriate State of Delaware Correctional Facility may be used for imprisonment under the provisions of this Section that the Council shall pay for the board of persons committed for violations of ordinances that do not constitute violations of the general law. Any action, suit or proceeding authorized under any provisions of this charter or under any ordinance of The Town of Frederica may be instituted in the name of 'The Town of Frederica'.

Section 23: Town Employees

- a) The Town Council may provide for the appointment or hiring of such other officers, employees and agents of the town, which it may deem proper and necessary, for the proper conduct and management of the town. Unless governed by the terms of a written contract, a written

personnel policy, a written personnel classification or merit system, or a written grievance or disciplinary procedure duly adopted by the Town Council, any such officers, employees and agents of the town, may be removed at any time, with or without cause, by the Town Council at the pleasure of the Town Council.

- b) The Town Council shall, by ordinance, budget or resolution, fix the amount of any salaries or compensation for the employees, officers and agents of the town, provided that the Mayor and Town Council members shall not be included under this subsection. No officer, employee or agent of the town shall in any form have, take, or receive from the town any compensation, in addition to the salary or compensation fixed by the Town Council, except for reimbursement for actual and necessary expenses incurred by them in the performance of their duties, if such reimbursement be authorized and approved by motion, resolution or order of Council. The Town Council shall cause to be kept a full and complete record of all officers appointed, and employees and agents hired by the town, containing the names of such officers, employees and agents, the dates of their employment, any salary or compensation to be by them received, the date of the termination of their services, and any other relevant personnel employment information.

Section 24: Police Force

- a) The Council shall appoint such number of police officers as are deemed necessary to preserve the peace and good order of The Town of Frederica, and they shall be supervised by a Chief who shall serve under the direction of the Mayor. The 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.
- b) The members of the police force shall be law-enforcement officers of the State of Delaware and conservators of the peace who shall compel obedience within the town limits to the ordinances of the town and the laws of the State of Delaware, with the right to investigate and arrest any person for violation of town ordinances or state laws when such violations occur within the town limits, or elsewhere as provided by State of Delaware law. They shall have such other duties as the Council shall prescribe.

Section 25: Streets and Sidewalks

- a) The Town Council of The Town of Frederica shall have the right to lay out, open, vacate and close any street, lane or alley within the corporate limits of the town whenever Council shall deem such to be advisable and for the best interest of the town; provided, that no street, lane or alley shall be opened, vacated or closed without giving due notice to the property owners abutting on such street, lane or alley to appear and show cause if any they have why such street should not be opened, vacated or closed and if it shall appear from such hearing that such proposal would be inadvisable then the Council shall abandon such proceedings. If it be determined that such proceedings are advisable and that any person or persons will suffer damages to any property or properties as a result of such actions Council shall assess and determine the extent of such damages and shall pay such damages to the person or persons so affected before entering upon such lands or premises so affected.
- b) Whenever Council shall by ordinance or resolution direct the paving or improving of the sidewalk of the town, or any part thereof, the Town Treasurer shall give notice to the owner(s) of the property abutting thereon by mailing an itemized statement of the work to be done in a sealed and stamped envelope addressed to the owner(s) last known address requiring a registered receipt returnable.
- c) If after three (3) months the owner(s) of said property are non-compliant with said ordinance or resolution, the Council may direct the work to be done and the expenses of the same shall become a charge against the owner(s) of the property affected and shall be held to the provisions of Section 17 of this Charter.

Section 26: Water System

The Town Council shall have the power and authority to operate a water system for The Town of Frederica so as to provide an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations, in regard to the use for public or private purposes of water furnished by the town, and the amounts to be paid by the user thereof, and to fix fines, or penalties, or both for any willful or negligent injury or damage to, or interference with the water system of the town. The Council may, at its option, furnish water from the town system to places and properties outside the town limits upon such special terms, charges and conditions, as it shall deem wise.

Section 27: Utilities

The Council shall have the power and authority to enter into contracts for the supply of electrical energy and power for municipal uses, and shall have the authority to contract for the purchase and resale of electrical energy and power to the residents of The Town of Frederica. The Council shall have the full power to fix and determine placement or replacement of poles or other structures within the town used for wiring of power lines or telephone wires. The Council shall also have full power to cause existing poles or restructures to be removed as deemed necessary.

Section 28: Planning and Zoning

- a) The Town Council may appoint a Planning Commission as specified in Title 22, Chapter 7 of the **Delaware Code**, as amended from time to time.
- b) The Planning Commission may prepare a comprehensive plan as per Title 22, Section 702, of the **Delaware Code**, as amended from time to time.
- c) In order to implement the Comprehensive Plan, the Town Council may enact, change, amend, alter, and enforce zoning or other regulations pursuant to Title 22, Sections 301 through 310 as amended from time to time.
- d) The town shall have the power to enact ordinances and procedures for the review and approval of any building or development project, to issue permits for land development and construction activities, and to establish fees for the review of said projects and for the issuance of permits.
- e) The Town Council, in order to avail itself of the powers conferred by this Section, shall appoint a Zoning Commission in accordance with Title 22, Section 306 of the **Delaware Code**, as amended from time to time. The Zoning Commission and the Planning Commission may be combined to form what may be known as the Planning and Zoning Commission.

Section 29: Dues and Debts

The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of The Town of Frederica to provide funds for the erection, extension, enlargement, purchase or the repair of any plant, machinery, appliances, or equipment for the supply or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair and improvements of highways, streets or lanes or the paving, curbing or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; or to defray the cost or the share of the town of the costs of any permanent municipal improvements; provided, however, that the borrowing of money therefore shall have been authorized for the Town Council in the manner following:

- a) The Town Council by resolution shall propose to the residents and property owners of the town that the Town Council proposes to borrow a certain sum of money for any of the purposes above stated. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan which deemed pertinent by the Town Council and in their possession at the

time of the passage of the resolution and shall fix a time and place for a hearing on the said resolution.

- b) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the town or distributed in circular form at least one (1) week before the time set for the public hearing.

Section 30: Survival of Power and Validation

- a) This Act shall operate to amend, revise and consolidate, 'An Act to Incorporate The Town of Frederica' being Chapter 32, Volume 47, **Laws of Delaware**, and the various amendments and supplements thereto, and to repeal all such parts of said Act and its amendments and supplements as are manifestly inconsistent with the provisions of this Act. All powers conferred upon or vested in The Town of Frederica by any Act of Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested in The Town of Frederica and/or the Town Council of The Town of Frederica, precisely as if each of the said powers was expressly repeated in this Charter.
- b) All ordinances and resolutions heretofore lawfully enacted or adopted by the Town Council of The Town of Frederica and in force at the time of the approval of this Charter shall continue in full force and effect until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Frederica under the provisions of this Charter; all the acts and doings of the Town Council of The Town of Frederica or any officers or employees of The Town of Frederica lawfully done or performed under the provisions of any law of this State, or of any ordinance of The Town of Frederica prior to the approval of this Act, are hereby ratified and confirmed; all taxes, debts, fines or penalties, assessments and forfeitures due The Town of Frederica shall be deemed to be due and all debts due from The Town of Frederica shall be deemed to be due and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes imposed under the provisions of this Act, and the processes which may be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes imposed under the Charter of The Town of Frederica and all amendments and supplements thereto; the bonds given by or on account of any Official of The Town of Frederica shall not be impaired by or affected by the provisions of this Act, but The Town of Frederica shall succeed to all the benefits of said bonds; all valid laws heretofore passed relating to or concerning The Town of Frederica or authorizing the borrowing of money and the issuing of bonds on the credit of The Town of Frederica shall be and remain valid and good as heretofore, and be unaffected and unimpaired by this Act.

Section 31: Severability Clause

If any part of this Act shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act. This Act shall be deemed and known to be a public Act.

(47 **Del. Laws**, c. 32, 4/27/49, as amended by 57 **Del. Laws**, c. 49; 63 **Del. Laws**, c. 432; 65 **Del. Laws**, c. 254; 67 **Del. Laws**, c. 32; 67 **Del. Laws**, c. 81; 68 **Del. Laws**, c. 284; 70 **Del. Laws**, c. 190; 76 **Del. Laws**, c. 140, 7/17/07)