

Greenwood**Incorporation****Section 1.**

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

Territorial Limits**Section 2.**

The present boundaries and limits of The Town of Greenwood are hereby established as follows:

ALL that certain tract, piece and parcel of land, situate, lying and being in Northwest Fork Hundred, Sussex County Delaware, and being more particularly described as follows:

BEGINNING at a point, said point being located in the northerly right-of-way line of West Market Street, also known as Delaware Route 16; thence from said beginning point North 16 45' East a distance of One Thousand Six Hundred Feet (1,600) feet to a point, said point marking a corner for the present corporate limits of The Town of Greenwood; thence South 73 15' East a distance of Four Thousand Six Hundred Twenty (4,620) feet to a point, said point marking a corner for the present limits of The Town of Greenwood; thence Three Thousand Nine Hundred Sixty (3,960) feet to a point, said point marking a corner for the present corporate limits of The Town of Greenwood; thence North 73 15' West a distance of Four Thousand Six Hundred Twenty (4,620) feet to a point, said point marking a corner for the present corporate limits of The Town of Greenwood; thence North 16' 45' east a distance of Two Thousand Three Hundred Sixty (2,360) feet or such distance as is required to reach the place of beginning, be the contents thereof what they may.

Annexation Of Territory**Section 3.**

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

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

CHARTER OF GREENWOOD

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

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

- (h) The Town Council of The Town of Greenwood shall cause voting machines to be used in the Special Election, the form of ballot to be printed as follows:

For the proposed annexation
 Against the proposed annexation.

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

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

Structure Of Government

Section 4.

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Town Council. The Town Council shall be composed of five (5) 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/her election and continuing until his/her successor is duly elected and qualified. Each member of the Town Council shall be nominated and elected from the Town at large. One of the members of the Town Council shall be elected Mayor of the Town Council and upon his/her election shall have the title of Mayor of The Town of Greenwood and shall perform all duties prescribed herein to be performed by the Mayor of The Town of Greenwood. Each Town Councilman shall receive as compensation such amount as shall be determined by the Town Council by ordinance or resolution for attendance at any regular meeting, special meeting or workshop meeting. The time of payment shall be determined by the Town Council, but in no event shall such compensation be paid less frequently than quarterly and at no time shall the compensation to be received by the member of the Town Council who is designated as Mayor during any fiscal year be more than One Thousand Six Hundred Dollars (\$1,600.00) and no other member of the Town Council shall receive during any fiscal year more than One Thousand Dollars (\$1,000.00). 79 Del. Laws, c. 228

Qualifications For Members Of Town Council

Section 5.

The qualifications for each member of the Town Council at the time of the election shall be as follows:

- (a) Each member shall be at least twenty-one (21) years of age.
- (b) Each member shall be a citizen of the United States and of the State of Delaware and a bona fide resident of The Town of Greenwood for at least thirty (30) days prior to the deadline to file to run for Council. For purposes hereof, a person is a "bona fide resident" when that person physically resides within the corporate limits of the Town with the actual intent to make that residence that person's fixed and permanent home.
- (c) Each of the qualifications for members of the Town Council shall be continuing qualifications to hold office and the failure of any member of the Town Council to have any of the qualifications required by this Section during his/her term of office shall create a vacancy in the office. The Town 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 Charter. 79 Del. Laws, c. 228

Method Of Making Nominations For Town Councilman

Section 6.

- (a) Notice of solicitation of candidates shall be posted conspicuously within the municipality at least twenty (20) days prior to the filing deadline for the offices up for election and shall include the terms of the offices up for election, the qualifications to run for each office, and the filing procedures and deadline to run for office. All notices shall be posted on any website operated by the Town and shall be sent to the Sussex County Department of Elections within three (3) business days of posting the same. In order to be listed on the ballot at any regular Town election, each candidate shall file a written and signed notice of intention to seek office with

the Town Manager, on a form prescribed by the Town, before five o'clock in the afternoon on the second Friday in December. Such form shall contain an affidavit that the candidate meets all the qualifications for office. No later than one (1) business day following the filing deadline, the Town Manager shall submit the names of candidates for each office up for election to the Delaware Department of Elections. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the notice of solicitation of candidates.

- (b) If the Town Manager determines that any candidate may not meet the qualifications for office, he/she shall notify the Mayor who shall call a special meeting of the Town Council to be held no fewer than twenty-one days prior to the date set for the election, at which the Town Council shall decide the matter. The candidate whose qualifications are at issue shall be notified, by registered mail, of the date, time and place of the hearing, at which he/she may appear and testify. If the Town Council determines that the candidate does not meet the qualifications for office, it shall reject his/her notice of intention to seek office and his/her name shall not appear on the ballot. In making the determination, only those members of the Town Council who are not competing for that seat shall be entitled to vote on the question.
- (c) Filing Certificate of Intention and Statement of Organization. All candidates shall file a certificate of intention or statement of organization if either is applicable and required under 15 Del. C. Ch. 75 ("Municipal Elections") as those provisions may from time to time hereafter be amended or with any other existing or future corresponding provisions of law. 79 Del. Laws, c. 228

Manner Of Holding Annual Municipal Election

Section 7.

- (a) The procedure for holding the Annual Municipal Election shall be as follows
 - (1) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of The Town of Greenwood on the third Saturday in January of each and every year, with the polls remaining open for no fewer than 6 hours, with the specific time being determined by the Town Council, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the third Saturday in January, A.D. 1992.
 - (2) At the Annual Municipal Election to be held on the third Saturday in January, A.D. 1992, three (3) members of the Town Council shall be elected. Each of the Councilmen who are elected shall serve for a term of two (2) years, or until his/her successor has been duly elected and qualified.
 - (3) At the Annual Municipal Election to be held on the third Saturday in January, A.D. 1993, two (2) members of the Town Council shall be elected. Each of the Councilmen so elected shall serve for a period of two (2) years or until his/her successor has been duly elected and qualified.
 - (4) Thereafter, at each Annual Municipal Election held in even numbered years, there shall be elected three (3) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified and in each Annual Municipal Election held in odd numbered years, there shall be elected two (2) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified.
 - (5) The members of the Town Council of Greenwood who hold office at the time of passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.
- (b) Notice of Election. Notice of Town elections shall be posted in a conspicuous public place no later than twenty (20) days prior to the election date. The notice of elections shall include the date, time, and place of the election, the names of the candidates for each office, and the qualifications to vote. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the notice of elections. All notices shall be posted on any website operated by the Town and shall be sent to the Sussex County Department of Elections within three (3) business days of posting the same.
- (c) Voting Machines. Elections shall be by voting machine provided by the Sussex County Department of Elections in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law.
- (d) Absentee Ballots. The Town Council may (but shall not be required to), by ordinance, provide for a qualified voter (duly registered if required by ordinance) who shall be unable to appear in person, to cast his/her ballot at any municipal election by absentee ballot. Whenever absentee voting is permitted, all notices shall contain

CHARTER OF GREENWOOD

information about how to obtain an absentee ballot. All absentee voting authorized by the Town shall be conducted in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law.

- (e) Conduct of Elections. The Town Council shall follow the rules governing the conduct of elections and voting procedures found in 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the conduct of elections.
- (f) Board of Elections. Every election shall be held under the supervision of a Board of Elections. The Board of Elections shall consist of three (3) persons (as determined by the Town Council) who shall be qualified voters of the Town and shall not be an elected official or candidate for Town office or an immediate family member of such (mother, father, son, daughter, brother, sister, including half-brothers and sisters, step-family members and in-laws) and who shall be appointed for that purpose by the Town Council at least twenty (20) days before such election. The Board of Elections shall serve for a term of one year commencing the regular Council meeting in December, provided that the term of the Board of Elections shall in no instance expire until a successor Board of Elections has been appointed. Members of the Board of Elections may serve for more than one term. Each board member shall be confirmed and have his/her name and contact information publicly posted in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law. The Town shall notify the State Election Commissioner and Sussex County Department of Elections of the members appointed to the Board of Elections. The Board of Elections shall oversee the absentee ballots and either appoints an odd number of absentee ballot judges or, at the discretion of the Town Council, acts itself as the absentee ballot election judges. If, at the opening of the polls, there shall not be present all the members of the Board of Elections, the ranking Town officer available at the opening of the polls shall appoint a qualified voter or voters to act as a member or members of the Board of Elections to fill such vacancies caused by the absence of the previously appointed members of the Board of Elections through the conclusion of the election. Members of the Board of Elections shall be the sole and final judges of the conduct of the election and of the legality of the votes offered. The Board of Elections shall keep a list of all voters voting at said election. The Board of Elections shall have the power to subpoena persons, and officers of the Town, and books, records and papers relative to the determination of the qualifications of voters and the legality of any vote or votes offered. The Board of Elections may appoint election officers (including an inspector) when needed to administer elections. In the absence of the appointment of election officers, members of the Board of Elections shall act as election officers, and the Board of Elections shall designate one of the board members as the inspector.
- (g) Voter qualifications; voter registration. Any person shall be qualified to vote who, on the date of the election, is a United States citizen, has attained eighteen (18) years of age, and has continuously been a bona fide resident of the Town (as defined in Section 5) for at least thirty (30) days. Persons appearing to vote shall present proof of identity and address pursuant to 15 Del. C. Ch. 75 ("Municipal Elections"). All questions regarding an individual's qualification to vote raised prior to the day of the election shall go before the Board of Elections and an individual shall be given notice and an opportunity to be heard before the Board of Elections makes a determination regarding that individual's qualifications to vote. Questions regarding an individual's qualifications to vote that are raised at the time of voting shall be resolved by the Board of Elections or its designated election officers. The Town Council may enact such ordinances concerning the registration of qualified voters for municipal elections in the Town 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 hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.
- (h) Election Results; ties; preservation of ballots and records. Within forty-eight (48) hours of the close of the election, the Board of Elections shall count the votes, and the candidate(s) having the highest number of votes for each office shall be declared, by the Board of Elections, to be duly elected to such office. In the event of a tie vote for any office, the Board of Elections shall break such tie by the toss of a coin. All ballots cast and all records of the election kept by the Board of Elections shall be preserved in the custody of the Board of Elections for a period of thirty (30) days, unless the election is contested or an appeal is filed in a court of appropriate jurisdiction, in which case such ballots and records shall be preserved until further direction of the reviewing body or court having jurisdiction.
- (i) Uncontested Elections. In the event that no person files for office for which an election is to be held within the time set forth in Section 6 of this Charter, the incumbent shall be deemed to be re-elected for a full term and it shall

not be necessary to have an election. In the event that only one (1) person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.

- (j) Compliance with State Regulations. The Town shall act in accordance with the state laws governing municipal voting found in 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law, and the Town shall implement the election provisions found in this Charter in accordance with the same state laws governing municipal voting. 79 Del. Laws, c. 228

Organization And Annual Meeting Of Council

Section 8.

- (a) Before entering upon the duties of their respective offices, each of the Councilmen Elect shall be sworn by a Notary Public, a Justice of the Peace, the Mayor, or by one of the holdover Council members to perform faithfully and impartially the duties of their respective offices with fidelity. At the next regular Town Council meeting that is scheduled at least seven (7) days after the certification of the Annual Municipal Election, which meeting shall be the same as the annual meeting, the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.
- (b) At the annual meeting, held on the first regular Town Council meeting that is scheduled as least seven (7) days after the certification of the Annual Municipal Election, the Town Council shall organize and elect a Mayor of the Town Council, who shall hold office for the term of one (1) year or until his/her successor shall be duly elected, and a Vice-Mayor, who shall hold office for the term of one (1) year or until his/her successor shall be duly elected. The Town Council shall likewise select a Secretary from their own number to serve until the organization meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary to serve, as aforesaid, who may or may not be from among their own number and such other officers and employees as may be determined to be necessary. 79 Del. Laws, c. 228

Regular And Special Meetings

Section 9.

The Town Council of The Town of Greenwood shall hold at least one (1) meeting in each month, the time and days of the meeting to be determined by Resolution of the Town Council. If the day selected by the Town Council shall be a legal holiday, the monthly meeting of the Town Council of The Town of Greenwood shall be held on the next succeeding regular business day. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Greenwood, or upon the written request of any two (2) members of the Town Council of The Town of Greenwood, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main Post Office of The Town of Greenwood 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 The Town of Greenwood and by all members of the Town Council prior to or immediately upon convening of the said such special meeting shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states.

Quorum

Section 10.

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

Rules And Minutes Of Council**Section 11.**

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

Vacancies**Section 12.**

If any vacancy shall occur in the office of Mayor or in the office of Councilman by death, resignation, loss of residence in The Town of Greenwood, 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 shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.

Disqualifications**Section 13.**

If the Mayor or any Councilman, during his term of office, shall be found guilty of any felony, he shall forthwith be disqualified to act as Mayor or as a member of Council and his office shall be deemed vacant and shall be filled by the Town Council, as aforesaid.

Contracts**Section 14.**

- (a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, services, work or labor, for the benefit and use of The Town of Greenwood with the Mayor or any member of the Town Council or with any partnership in which the Mayor or any member of the Town Council is a general partner, or with any corporation in which the Mayor or any member of the Town Council is a director or controlling stockholder, or with any firm or company in which the Mayor or any member of the Town Council is pecuniarily interested, provided that, if all the remaining elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.
- (b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to 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 Ten Thousand Dollars (\$10,000.00);
 - (2) The purchase or contract is for personal or professional services;
 - (3) The purchase or contract is for any service rendered by a University, college or other educational institution;
 - (4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision;
 - (5) The purchase or contract is for property or services for which it is impracticable to obtain competition;
 - (6) The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;
 - (7) The materials to be purchased are to be used to complete a project under the supervision of the Town;
 - (8) The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition;
 - (9) A public emergency as determined by the Town Council exists.
 - (10) The purchase or contract is for property for which the distance involved or other factors in order to have maintenance performed, as determined by the Town Council, is unreasonable.

Duties Of The Mayor Of The Town Council**Section 15.**

- (a) The Town Councilman elected by the members of the Town Council to be the Mayor of the Town Council, shall also be the Mayor of The Town of Greenwood and shall preside at all meetings of the Town Council, but shall vote only on all matters brought before the Town Council in which there is a tie. 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 five (5) days' written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.
- (c) The Mayor may appoint such other committees as he/she deems necessary for the proper administration of The Town of Greenwood or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.
- (d) It shall be the duty of the Vice-Mayor of the Town Council, in the absence of or inability of the Mayor to act, to preside at all meetings of the Town Council and to perform such other duties and to have such other powers of the Mayor as are prescribed by the Charter of The Town of Greenwood or by any ordinance of the Town Council. 79 Del. Laws, c. 228

Secretary**Section 16.**

- (a) The Secretary shall have charge and custody of books, journals, records, papers and other effects of the Town and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions in The Town of Greenwood. He shall be a voting member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinances or rule of the Town Council of The Town of Greenwood. He shall file and keep in a safe place the seal of The Town of Greenwood and all papers and documents arising out of the proceedings of the Town Council of The Town of Greenwood relative to the affairs of the Town. He shall deliver the same to his successor in office. He shall attest the seal of The Town of Greenwood when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by ordinance.
- (b) All books, records and journals of The Town of Greenwood in the custody of the Secretary may, in the presence of the Mayor, Vice-Mayor, Secretary, Assistant Secretary, or any member of the Town Council of The Town of Greenwood be inspected by any registered voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the Town. 79 Del. Laws, c. 228
- (c) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The Town of Greenwood.
- (d) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

Assistant Secretary**Section 17.**

The duties and powers of the Secretary as herein before prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other

powers as may be prescribed by Resolution to the Town Council of The Town of Greenwood and shall receive such compensation as the Town Council by Resolution shall determine.

Section 18.

[Reserved]

79 Del. Laws, c. 228

Town Manager

Section 19.

- (a) The Mayor of The Town of Greenwood, with the concurrence of a majority of all the elected members of the Town Council, may appoint a Town Manager who shall be the Chief Administrative Officer of the Town at such compensation as shall be determined by the Town Council.
- (b) The Town Council of The Town of Greenwood shall impose such qualifications for Town Manager as may be deemed necessary; provided, however, that no person holding the office of Mayor or Town Councilman shall be chosen to be Town Manager during his term of office as Mayor or Councilman.
- (c) The Town Manager shall hold office for an indefinite term and may be removed by a majority vote of the Town Council of The Town of Greenwood. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reasons for his removal. The Town Manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days before nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Town Manager from duty with or without pay but shall in any case cause to be paid him forthwith any unpaid balance of his salary.
- (d) In case of the absence or disability of the Town Manager, the Town Council may designate some qualified person to perform the duties of such office during his absence or disability. The compensation which the Town Manager shall receive for the performance of his duties shall be fixed by the Town Council of The Town of Greenwood.
- (e) The Town Manager shall be responsible to the Town Council of The Town of Greenwood for the proper administration of the affairs of the Town placed in his charge and to that end, he shall have the power to make such appointments and to hire such employees at such compensations as are authorized by the Town Council, subject to such rules and regulations as may be adopted by the Town Council. All employees shall be hired for an indefinite term and may be suspended with or without pay by the Town Manager at any time unless otherwise provided by resolution of Council and shall report all such suspensions to the Town Council at the next meeting of such Town Council whenever such meeting be a regular meeting or a special meeting. The Town Council of The Town of Greenwood shall sit as a Board of Appeal for the protection of Town employees at those times when the majority of all the Town Council are agreed that a review of the action of the Town Manager would be in the best interest of The Town of Greenwood. The decision of the Town Council in such case shall be final and conclusive.
- (f) It is the intention of this Charter that, in the performance of his duties, and in the exercise of his powers, the Town Manager shall not be influenced by any matters whatsoever of a political or fractional nature. It is the intention of this Charter that the Town Manager shall be guided solely by matters of expedience and efficiency in the administration of the affairs of the Town placed in his charge. Except for purposes of inquiry, the Town Council shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.
- (g) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town under his charge and to make such reports to the Town Council as are required by the Town Council. He shall make such recommendations to the Town Council concerning the affairs of the Town as may seem to him desirable. He shall keep the Town Council advised of the financial condition and future needs of the Town. He shall prepare and submit to the Town Council the annual budget estimate. He shall render to the Town Council at the regular monthly meeting of each and every month a true, accurate and detailed account of all moneys collected or received by him in the performance of his duties and shall promptly turn the same over to the Town Council.

- (h) In conjunction with the Mayor of The Town of Greenwood, he shall sign warrants pursuant to appropriations or resolutions theretofore made for the Town Council. He shall prepare and submit to the Town Council such reports as may be required by the Town Council. He shall perform such other duties as may be prescribed by this Charter or required of him by Ordinance or Resolution of the Town Council.
- (i) The Town Manager and such other officers of the Town as may be designated by vote of the Town Council shall be entitled to a seat in the meetings of the Town Council, but shall not vote therein.
- (j) The Town Manager shall have charge and supervision of the streets, gutters, curbs, sidewalks, parks and other administrative affairs of the Town and all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the Town. He shall have the charge of the administration of all provisions of this Charter and Ordinances and Resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any Ordinance or Resolution of the Town Council. He shall by virtue of his office be the Town Treasurer.
- (k) He shall keep a full and strict account of all monies received and all disbursements made by him and such accounts shall, at all times, be open to inspection to the Town Council.
- (l) He shall give to The Town of Greenwood a bond, if required by the Town Council, in such sum and form and with such security satisfactory to the Town Council for the faithful performance of the duties of his office and the restoration to The Town of Greenwood, in case of his death, resignation, or removal from office, all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the Town.
- (m) In the event of a vacancy in the office of the Town Manager for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.
- (n) Upon the death, resignation, or removal from office of the Town Manager, the Town Council shall appoint some suitable person, who may be an elected or appointed official of The Town of Greenwood, to perform the duties of Town Manager; provided, however, such person shall not serve for a period exceeding ninety (90) days from the date of his appointment.

Town Solicitor

Section 20.

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

Section 21.

[Reserved]

79 Del. Laws, c. 228

Police Force

Section 22.

- (a) The Town Council shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police force. The police force shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force shall have such other duties as the Town Council shall, from time to time, prescribe. The Chief of Police shall be appointed by the Mayor for an indefinite term by and with the advice and consent of a majority of all the elected members of the Town Council and at such compensation as shall be determined

CHARTER OF GREENWOOD

by the Town Council. All members of the police force shall be paid such compensation as shall be determined by the Town Council.

- (b) Each member of the police force shall have police powers and shall be conservators of the peace throughout The Town of Greenwood, and they shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. They shall compel the enforcement of all laws enacted by the Town Council of The Town of Greenwood. In the case of a pursuit of an offender, the power and authority of the police force shall extend outside the territorial limitations of The Town of Greenwood.
- (c) [Repealed] 79 Del. Laws, c. 228
- (d) [Repealed] 79 Del. Laws, c. 228
- (e) It shall be the duty of the police force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town or the noisy conduct of any person in the same, and upon the view of the above or upon view of the violation of any ordinance of the Town relating to peace and good order thereof, the police force shall have the right and power to arrest without warrant.

Annual Audit

Section 23.

At the Annual Meeting herein before provided, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, shall appoint an accountant to be the auditor of accounts of The Town of Greenwood. It shall be the duty of the auditor to audit the accounts of the Town and all its officers whose duty involves the collection, custody and payment of monies to the Town. The auditor shall, on or before the date set by the Town Council, annually make and deliver a detailed report of any and all accounts, records, and books by them examined and audited which report shall be under his/her hand and seal. The auditor, in the performance of his/her duties, shall have access to all records and accounts of the offices of the Town 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. 79 Del. Laws, c. 228

Tax Assessor

Section 24.

- (a) The Mayor shall appoint a Tax Assessor with the advice and consent of a majority of all the elected members of the Town Council for an indefinite term.
- (b) The Tax Assessor shall be sworn or affirmed by the Mayor of The Town of Greenwood or by a Notary Public to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment of property and persons subject to taxation situate within the corporate limits of the Town and to perform such other duties and reference thereto as shall be prescribed from time to time by the Town Council of The Town of Greenwood. Compensation to be by him received for the performance of his duties shall be fixed by and subject to the approval of the Town Council of The Town of Greenwood.
- (c) In making such assessment, the rules and exemptions now applicable by law to the making of the assessment for Sussex County of persons and property shall be applicable insofar as consistent with the provisions of this Charter. The Tax Assessor may adopt the assessment of Sussex County for any or all property located within the corporate limits of The Town of Greenwood.

Assessment Of Taxes

Section 25.

The Tax Assessor shall, prior to ninety (90) days prior to the beginning of the next fiscal year, make a just, true and impartial annual valuation of all real property and improvements located thereon within The Town of Greenwood. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it shall be assessed to "Owner Unknown." A mistake in the name of the owner or owners or a wrong name or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided, however, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds, in and for Sussex County. The Tax Assessor shall also make a personal assessment of all male

and female citizens of the Town above the age of eighteen (18) years, whether an owner of real estate or not; said personal assessment shall be determined by the Town Council and certified to the Tax Assessor. Said personal assessment or per capita tax shall be in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever.

- (a) The Tax Assessor, after making such annual assessment, shall, at least ninety (90) days prior to the end of the fiscal year, deliver to the Town Council of The Town of Greenwood a list containing the names of all persons assessed and the amount of assessment against each. He shall also deliver at such time as many copies of said list as the Town Council shall direct.
- (b) The annual assessment shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per capita assessment shall appear in separate columns or spaces. In making this assessment, the Tax Assessor shall make its valuation accordingly.
- (c) The real property of the Tax Assessor shall be assessed by the Town Council of The Town of Greenwood.
- (d) Immediately upon receiving the annual assessment list from the Tax Assessor, the Town Council of The Town of Greenwood shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung in a public place in The Town of Greenwood and there it shall remain for a period of at least ten (10) days for the information or an examination by all concerned. Appended thereto and also in five (5) or more public places in said Town shall be posted notices advertising to all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place they shall hear appeals from the said annual assessment. The decision of the Town Council sitting as the Board of Appeals shall be final and conclusive and said Town Council shall revise and complete said assessment at this sitting. No member of the Town Council shall sit upon his own appeal but the same shall be heard and determined by the other Councilmen.
- (e) The Tax Assessor shall be present on the day fixed for hearing appeals and shall furnish to the Town Council such information and answer such questions as the Town council may require in respect to any assessment for which an appeal has been taken. The Town Council shall have the authority to enforce the attendance of the Tax Assessor by appropriate process.

Levy Of Annual Taxes

Section 26.

- (a) At the first regular meeting in the last month of the fiscal year, after having revised and completed the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be raised by the Town to meet the fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover anticipated expenses and emergencies. In addition to all powers otherwise delegated to the Town Tax Collector under this Charter, the Town Tax Collector shall have all of the same powers, remedies and authority, including the monition procedure, as conferred upon the Receiver of Taxes for Sussex 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. In exercising such powers, remedies and authority, the Town Tax Collector and the Superior Court shall follow the same procedures as applicable to the Receiver of Taxes under 9 Del.C., Chapter 87.
- (b) The Town Council should then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source. They shall then proceed to determine, assess, fix and/or levy as follows:
 - (1) The rate of tax on real estate including improvements thereon per One Hundred Dollars (\$100.00) 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 29 of this Charter as amended; and/or

CHARTER OF GREENWOOD

- (4) The several license fees to be charged for carrying on or conducting of the several businesses, professions or occupations more particularly mentioned or intended so to be in Section 29 of this Charter, as amended; and/or
 - (5) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment; and/or
 - (6) The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to realize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources (4), (5) and (6) aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any regular or special meeting of the Town Council as the Town Council, in its proper discretion, shall determine.
- (c) Immediately after the last regular meeting prior to the end of the fiscal year of each and every year, the Town Council shall make, or cause to be made, a full, true and correct Annual Tax List showing the amount of tax levied against each taxable thereon from sources (1), (2) and (3) above-mentioned. This list shall be known as the Annual Tax List of The Town of Greenwood. 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 Town Council shall cause to be delivered to the Town Manager a duplicate of said Annual Tax List and the Tax Collector shall immediately proceed to collect the same as hereinafter provided.
- (e) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due The Town of Greenwood under the existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Greenwood created hereby.

Collection Of Annual Taxes**Section 27.**

- (a) The Tax Collector, as soon as the Town Council shall have placed in his hands a duplicate Annual Tax List, shall proceed at once to collect the taxes on said duplicate list. In addition to all powers otherwise delegated to the Town Tax Collector under this Charter, the Town Tax Collector shall have all of the same powers, remedies and authority, including the monition procedure, as conferred upon the Receiver of Taxes for Sussex 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. In exercising such powers, remedies and authority, the Town Tax Collector and the Superior Court shall follow the same procedures as applicable to the Receiver of Taxes under 9 Del.C., Chapter 87. 76 Del. Laws, c. 154
- (b) All taxes so laid or imposed by The Town of Greenwood in such Annual Tax List shall be and constitute a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed at any time after such taxes shall have been levied and imposed that is situate within The Town of Greenwood. Such lien shall have preference and priority to all other liens on such real estate, as aforesaid, created or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the attaching of such lien for taxes.
- (c) All taxes, when and as collected by the Tax Collector, shall be paid to The Town of Greenwood, and all taxes shall be due and payable at and from the time of the delivery of the Annual Tax List to the Town Manager.
- (d) All taxes shall be payable at the Office of the Tax Collector during the regular business hours of that Office.
- (e) On all taxes paid after thirty (30) days following the delivery of the duplicate Annual Tax List to the Tax Collector there shall be added a penalty of Five Percent (5%) for each month or fraction thereof such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax. The Town Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid after May 31 of each year shall be considered delinquent. In effecting a collection of delinquent tax, the Town Council may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any penalty imposed thereon.
- (f) At the annual meeting of the Town Council of each year, the Tax Collector shall account to the Town Council for all taxes and sewer rentals collected by him during the year and shall be liable on his bond for failure to account for any uncollected taxes or sewer rentals unless he can show to the satisfaction of the Town Council

that all remedies permitted for the collection of said taxes were pursued without result or, if not pursued, the remedies would have been without avail.

- (g) The Tax Collector, when any tax has become delinquent, may, in the name of The Town of Greenwood, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex County, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas, or in the Superior Court, as the case may be.
- (h) However, should the Tax Collector so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure at the direction of the Town Council:
 - (1) The Tax Collector shall present in the name of The Town of Greenwood to the Superior Court of the State of Delaware in and for Sussex County, a petition in which shall be stated:
 - (A) The name of the taxable;
 - (B) The year for which the tax was levied;
 - (C) The rate of tax;
 - (D) The total amount due;
 - (E) The date from which interest and the penalty for nonpayment shall commence and the rate of such interest and penalty and any collection charge permitted;
 - (F) A reasonable, precise description of the lands and tenements proposed to be sold;
 - (G) A statement that the bill of said tax has been mailed to the taxable at his last known post office address with return receipt requested by certified mail and postage prepaid.
 - (H) That it has been found impartial to attempt to collect the said tax by any other remedy herein before provided. The petition shall be signed by the Secretary of Town Council and shall be verified before a Notary Public.
 - (2) At least ten (10) days prior to the filing of any such petition as described herein, the Secretary of Town Council shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address, requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Secretary of Town Council shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the taxpayer cannot be found, it shall be sufficient for the Secretary of Town Council to file with said petition the evidence that such statement has been mailed in accordance with this Subsection and has been returned.
 - (3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Sussex County, and shall endorse upon the said record of said petition the following: "This petition, filed the day of, A.D., and the Secretary of the Town Council of The Town of Greenwood is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due." This endorsement shall be signed by the Prothonotary.
 - (4) Any sale of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in The Town of Greenwood, one of said public places shall be the Town Office and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the day fixed for the sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.
 - (5) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Sussex County, at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the Tax Collector making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

- (6) No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs. No deed shall be made until the expiration of one (1) year from the date of the sale within which time the owner, his heirs, executors, or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, the costs, the amount of the purchase price, and twenty percent (20%) interest thereon and the expense of having the deed prepared.
- (7) After satisfying the tax due and the costs of expense of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land. Upon the refusal of the said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in The Town of Greenwood, either to the credit of the owner or in a manner in which the fund may be identified.
- (8) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be:
 - (A) To the Prothonotary for filing and recording the petition, Five Dollars (\$5.00);
 - (B) For filing and recording the return of sale, Five Dollars (\$5.00);
 - (C) To the Tax Collector for preparing the Certificate, Twenty-five Cents (\$.25); for making the sale of lands, Two Dollars (\$2.00); for preparing and filing a return, One Dollar and Fifty Cents (\$1.50); for posting sale bills, One Dollar (\$1.00). In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.
- (9) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.
- (10) If any person is assessed for several parcels of land and tenements in the same assessment in The Town of Greenwood, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that the land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.
- (11) In the event of death, resignation or removal from office of the Tax Collector of The Town of Greenwood before the proceedings for the sale of lands shall have been completed, his successor in office shall succeed to all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise, may refer to the Superior Court of the State of Delaware, in and for Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Tax Collector to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.
- (12) The Tax Collector shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

Town Budget

Section 28.

- (a) The fiscal year for The Town of Greenwood shall be as determined by Resolution of the Town Council.
- (b) Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Treasurer of The Town of Greenwood shall prepare a rough draft of the Town Budget. From this rough draft, the Town Council shall, not later than the regular meeting following the presentation of the rough draft prepared of the Town Budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year, adopt the budget.
- (c) The budget shall contain the following information:
 - (1) An estimate showing the expenses for conducting the affairs of the Town for the ensuing fiscal 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 fiscal 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 footage assessments, license fees and all other anticipated income of the Town from any source or sources whatsoever.
- (d) The Town Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Enumeration Of Powers

Section 29.

- (a) Not by way of limitation upon the power vested in the Town Council of The Town of Greenwood to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Council is vested by the Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, health and public welfare of the Town, its inhabitants and affairs, that is to say:
- (1) To prevent vice, drunkenness and immorality.
 - (2) To provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.
 - (3) To prohibit all gaming and fraudulent devices.
 - (4) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, 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 water course, park, lake, crosswalk, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb or gutter or portion thereof in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to enter into contracts or agreement for the doing thereof, including contracts or agreements with the State of Delaware for the permanent maintenance, repair and upkeep of the street, lane, alley, roadway or other public thoroughfare within the Town.
 - (6) To regulate or control the observance of the Sabbath Day.
 - (7) To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same.
 - (8) To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer and manure plants or establishments, swine pens, privies, water closets in any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature.
 - (9) To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.
 - (10) To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, post or any other erection or projection in, over, upon or under any street, highway, alley, lane, water course, park, lake, sidewalk, crosswalk, sewer, drain, aqueduct or pipeline of the Town.
 - (11) To define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare.
 - (12) To provide an ample supply of 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 or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by The Town of Greenwood 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 of the

Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipality itself.

- (13) To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any willful or negligent injury or damage to, or interference with, the said system, plan or facilities. To furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the Town itself.
- (14) To provide, construct, extend, maintain, manage and control the plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks, public buildings or other public places in the Town and to this end, to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessarily proper to light the Town, and to furnish proper connections for electric current and gas to the properties of the inhabitants of the Town who may desire the same; to regulate and prescribe for what private or public purposes 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 within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the Town itself.
- (15) To fully control within the Town the drainage of all water and to that end to alter or change the course and direction of any natural water course, runs and rivulet within the Town, to regulate, maintain, clean and keep the same open, cleaned and unobstructed, and to provide, construct, extend and maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.
- (16) To provide, construct, extend, maintain, manage and control embankments, or fills for the preservation of any high land within the limits of the Town and contiguous thereto to the end that the same may be preserved, properly protected and that the general public might enjoy the use thereof.
- (17) To grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and for such consideration of the Town Council shall deem in the best interest of the municipality, to use the present and future streets, highway, lanes, alleys, water courses, parks, lakes, sidewalks, crosswalks, 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 vending any article of merchandise or service upon or from any vehicle upon any present and future street, highway, lane, alley, etc.; provided that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.
- (18) To regulate and control the exercise of any license or franchise mentioned in Section 29 of this Charter, or intended so to be.
- (19) To direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highway, 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, fill up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.
- (21) To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues.
- (22) To regulate, control or prevent the use or storage of gun powder, fireworks, tar, pitch, resin, and all other combustible materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires.
- (23) For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material; and, generally, to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22, **Del. C.** of 1974, and all amendments heretofore or hereafter adopted.
- (24) To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town which shall be used as a place of detention for persons convicted of violations of law or ordinance, or for detention of persons accused of violations of law or ordinances, for a reasonable time in cases of necessity prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided that any correctional institution located in Sussex County may be used for any such purpose.
- (25) To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping the offices of the Town.
- (26) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which may cause bodily injury or injury or harm to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.
- (27) To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding Five Hundred Dollars (\$500.00) or sixty (60) days or both.
- (28) 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 Town Council, to contribute, donate or give an amount or amounts not to exceed in the total during any fiscal year three percent (3%) of the total taxes levied on real estate 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 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, charge growing out of the abatement of nuisances and the like, laying out and repairing sidewalks, curbs or gutters, or other charges due the Town and to sell the same.
- (30) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum of Five Hundred Thousand Dollars (\$500,000.00); and provided further, that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether herein before or hereafter incurred.
- (31) To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of The Town of Greenwood to be used for any and all municipal purposes.
- (32) To levy and collect taxes upon all telephone, telegraph, power poles pipelines, rail lines or other constructions or erections of a like character, erected within the limits of the Town, together with the wire or other appliances thereto or therein attached; expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee or such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 26 of this Charter, the Town Council shall have the authority to cause the same to be removed.

- (33) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Town Council from time to time shall fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town; 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 family with whom he resides.
- (34) To determine from which authorized source and in what proportion taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the Town and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.
- (35) To provide for the collection of and disbursement of all 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 this Charter.
- (36) To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all state, county or municipal taxes; provided, however, that in no event shall the indebtedness of the Town for any and all purposes at any one time exceed in the aggregate twenty-five 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 herein before mentioned unless authorized in a greater amount by the General Assembly of the State of Delaware.
- (37) To acquire, and/or to vacate the use of lands, tenements, personal property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to The Town of Greenwood by this Charter. Proceedings by way of condemnation in any case shall be as prescribed in Chapter 61, Title 10, Del. C. of 1974, as heretofore or hereafter amended.
- (38) To appropriate money to pay the debts liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereat, 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 of the Town by any person owing the same.
- (40) To inquire into and investigate the conduct of any officer, agent or employee of the Town or any municipal affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and the production of books, papers, or other evidence by subpoena.
- (41) To establish by ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem most appropriate, provided, however, that any annual appropriation which is made by the Town Council under any such 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 Town Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council.
- (42) To borrow money in anticipation of revenues on the full faith and credit of The Town of Greenwood a sum or sums not exceeding One Hundred Thousand Dollars (\$100,000.00) in any one year when, in the opinion of a majority of the Town Council of The Town of Greenwood, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of The Town of Greenwood, duly authorized by Resolution adopted by the Town Council of The Town of Greenwood, and signed by the Mayor of The Town of Greenwood and attested by the Secretary of the Town Council with the corporate seal affixed, and no officer or member of the Town Council shall be liable for the payments of such notes because it is signed by them as officers of the Town and is authorized by the Resolution of the Town Council; provided, however, that the total sum outstanding at any one time shall not exceed One Hundred Thousand Dollars (\$100,000.00); and provided further, that any sum of money so borrowed, as aforesaid, in any fiscal year, shall be paid from the general fund of the Town and shall be completely repaid at any time, but must be

completely paid at the end of ten (10) fiscal years following the first fiscal year when said sum or sums were borrowed, with interest thereon; and provided that such ad valorem taxes shall be levied as is required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof.

- (43) To make, adopt and establish all such ordinances, regulations, rules and by-laws not contrary to the laws of the State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; provided, however, that any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) mile from said limits.

Streets

Section 30.

- (a) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall deem it for the best interest of the Town.
- (b) The procedure to be used for any of those things heretofore listed in this Section shall be as follows:
- (1) Whenever five (5) or more property owners in a portion of the Town directed affected or abutting on the proposed street to be opened, laid out, changed, altered, widened, vacated or closed shall by written petition, with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter any existing street or any part thereof or to vacate or abandon a street, or any part thereof, the Mayor of The Town of Greenwood shall appoint a committee composed of not less than three (3) of the elected members of the Town council to investigate the possibility of changing the structure of said streets in the Town. The petition presented to the Council by the property owners shall include a description of the property through which the proposed street shall be laid out or description of the shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council, by a majority vote of the elected members thereof, may, by resolution, propose that a committee composed of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the Town.
 - (2) Not later than ninety (90) days following its appointment, the committee shall submit a report concerning its findings to the Mayor and the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changes of the street structure and shall contain the conclusion of said committee either recommending or disapproving the change of said street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of The Town of Greenwood, the Town Council, by Resolution, passed by a majority of the elected members of the Town Council concurring therein, shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things herein before described to the existing street structure of the Town. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of The Town of Greenwood, the Resolution proposing the change in the street structure to the property owners and citizens of The Town of Greenwood shall be passed by a majority of three-fourths (3/4) of the elected members of the Town Council. The Resolution shall contain a description of the proposed change and shall affix a time and place for a public hearing on the matter of changing the street structure. The Resolution adopted by the Town Council shall be printed in a newspaper having a general circulation in The Town of Greenwood, or, in the discretion of the Town Council, the Resolution shall be posted in five (5) public places in the Town for at least one (1) week before the time set for the public hearing. The notice shall be published at least one (1) week prior to the date set for the said public hearing. The Resolution shall also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the Town.

- (3) Whenever the Town Council shall have determined to locate or lay out or widen any street, lane or alley and shall have affixed compensation therefor, it shall be the duty of the Town Council immediately after the survey and location of said street, lane or alley, to notify by certified mail with return receipt requested and postage prepaid the owner or owners of the real estate through or over whom such street, lane or alley may run of their determination to open or widen the same and to furnish a general description or location thereof; also the amount of compensation or damages allowed to reach such property owner, and if such owner be not a resident of the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known; that there be no holder or tenant resident in said Town and the address of the owner be unknown or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the Town, as aforesaid, said property owner may, within ten (10) days after such notice, as aforesaid, was posted or mailed, appeal from written notice of assessment or compensation or damages by serving written notice by certified mail with return receipt requested and postage prepaid, on the Mayor of the Town to the effect that he or she is dissatisfied with the amount of such compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute such appeal, such owner shall, within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of the State of Delaware, in and for Sussex County, for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a commission directed to five (5) freeholders of said county, three (3) of whom shall be residents of The Town of Greenwood, and two (2) of whom shall be non-residents of said Town, requiring them to assess the damages which the owner of real estate through or over which the said street, lane or alley shall pass or who shall have suffered damage because of any other action taken by the Town pursuant to the provisions hereof and who shall have notified the said Town Council of their intention to appeal may incur by reason thereof and to make a return of their proceeding to the said Judge at the time therein appointed.
- (4) The freeholders named in such commission, being first duly sworn or affirmed, shall view the premises and may, or a majority of them, shall assess the damages, as aforesaid, and shall make return in writing of their proceedings to the said Judge who shall deliver and return to the Town Council their return which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained or if the person or persons so entitled reside out of or are absent from the Town during the said period of thirty (30) days, then the same shall be deposited to his or her credit in any bank or trust company with offices, in Greenwood, Sussex County, Delaware, within said time and thereupon the said property or lands may be taken or occupied for the use as aforesaid.
- (5) If the ascertainment and assessment of damages by the freeholders appointed by the Judge, as aforesaid, shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Treasurer of The Town of Greenwood belonging to the Town, but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the commission shall receive and be entitled for each day's actual service or of any part of a day the sum of Five Dollars (\$5.00). After the damage shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or, upon the payment of the costs only, may abandon the proposed improvements. In the event that either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted at the Supreme Court of the State of Delaware.

Curbing And Paving

Section 31.

- (a) The Town Council shall have the power to cause to be paved or repaved the sidewalks of said Town, or any part or portion thereof, to cause to be repaired or relayed existing curbs or gutters, or both, or any part or portion thereof, or to cause to be laid, installed or constructed new curbs or gutters, or both, or any part or portion thereof or to cause to be paved or repaved the streets of said Town, or any part or portion thereof, with such material or materials and of such width or size and subject to such specifications as the Town Council shall determine.

- (b) Before the exercise of said power in any particular instance, the Town Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place, the Town Council will meet to consider the question of paving or repaving the sidewalks, laying, repairing or relaying curbs or gutters, or both, with any specified material or materials or to construct new curbs or gutters or to pave new sidewalks or to pave new streets, or any of them.
- (c) The ordinance and resolution shall specify the streets and the names and addresses of the owners of the property in front of or adjacent to whose property the work shall be done.
- (d) The said ordinance or resolution shall be published at least one (1) week prior to the meeting of the Town Council in at least one (1) issue of a newspaper having a general circulation in The Town of Greenwood.
- (e) The Town Council shall hold a meeting in said Town pursuant to the provisions of said ordinance or resolution and at such meeting shall hear owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.
- (f) Following said hearing, the Town Council, either at said meeting or at a subsequent meeting, shall decide whether to proceed with the improvements referred to in said ordinance or resolution, or any part thereof, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the cost of the improvements, repairs or replacements shall be assessed to the owner or owners of the property in front of or adjacent to whose property the said improvements, repairs or replacements are being constructed or installed. If the Town Council concludes that the whole or a specified proportion of said cost shall be borne by said owners, the said owners shall be compelled to pay the whole or the specified proportion of the cost of said work, the amount to be paid to be determined by the linear footage of the parcel in front of which the sidewalk is to be paved or repaved or the gutter to be laid, repaired or replaced or the curb to be repaired, constructed or installed or the street to be paved or repaved or any or all of said improvements, as the case may be.
- (g) When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them shall have been completed and the cost thereof ascertained, the Town Council shall ascertain the amount that the owner of each parcel shall pay and shall give written notice thereof to such owner, or one of the co-owners if there be more than one (1) owner, by mailing the same to his last known address by first class mail, with postage prepaid. If any owner shall fail to pay the specified amount within thirty (30) days after the mailing of said notice, the amount, together with costs and interest may be collected by the Town Council in the same manner and on the same terms and conditions as are provided in this Charter for the collection of delinquent taxes.
- (h) Any notice sent to one (1) co-owner shall be notice to all owners and in a case where no owners reside within the corporate limits of The Town of Greenwood, notice served as set forth herein or posted upon the premises shall be sufficient.
- (i) Provisions contained herein shall apply to any ordinance or resolution enacted or adopted by the Town Council in respect to any pavement, sidewalk, gutter, curb, street heretofore made or done which the said Town Council may deem to need repair or replacement.

Power To Borrow Money And Issue Bonds

Section 32.

- (a) The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of The Town of Greenwood to provide funds for the erection, extension, enlargement, purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair and improvements of highways, streets or lanes or the paving, curbing or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; or to defray the cost or the share of the Town of the costs of any permanent municipal improvements; provided, however, that the borrowing of money therefor shall have been authorized for the Town Council in the manner following:
 - (1) The Town Council by Resolution shall propose to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for any of the purposes above stated. The Resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession at the time and place for a hearing on the said Resolution.

- (2) Notice of the time and place of the hearing on the Resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town or distributed in circular form at least one week before the time set for the public hearing.
 - (3) Following the public hearing, a second Resolution shall then be passed by the Town Council ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the same money, the said Special Election to be for the purpose of voting for or against the proposed loan. The passing of the second Resolution calling a Special Election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue.
 - (4) The notice of the time and place of holding the said Special Election shall be printed in two (2) issues of a newspaper having a general circulation in The Town of Greenwood within thirty (30) days prior to the said Special Election or distributed in circular form at least fifteen (15) days prior to the Special Election, or both, at the discretion of the Town Council.
 - (5) At the said Special Election, every citizen of The Town of Greenwood shall have one (1) vote and, in addition, every partnership or corporation owning property within the corporate limits of The Town of Greenwood shall also have one (1) vote and the said votes may be cast either in person or by proxy.
 - (6) The Town Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the said Special Election. The Special Election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The Mayor of The Town of Greenwood, by and with the advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of Special Election. The polling places shall be opened from twelve o'clock noon, prevailing time, until five o'clock in the evening, prevailing time, on the date set for the Special Election.
 - (7) The Board of Special Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed loan and the number of void votes and shall deliver the same to the Town Council, which said certificate shall be retained by the Town Council with the other papers of the Town Council.
 - (8) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the classes of the bond, the time or times of maturity, and the provisions as to registration shall be determined by the Town Council after the said Special Election.
 - (9) The bonds may be sold at either public or private sale. If it is determined to sell the bonds at public sale, they shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be described by the Town Council.
 - (10) The Town Council shall provide in its budget and in the fixing of the rate of tax for the payment of interest on and principal of the said bonds at the maturity thereof.
 - (11) The faith and credit of The Town of Greenwood shall be deemed to be pledged for the due payment of interest thereon issued pursuant to the provisions hereof when the same had been properly executed and delivered for value.
- (b) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of twenty-five percent (25%) of the assessed value of real property situate within the limits of The Town of Greenwood shown by the last assessment preceding the creation of the said indebtedness, unless authorized in a greater amount by the General Assembly of the State of Delaware.

Actions Or Suits

Section 33.

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

Compendium**Section 34.**

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

Revival Of Powers And Validating Section**Section 35.**

- (a) All powers conferred upon or vested in the Town Council of The Town of Greenwood 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 of Greenwood and/or the Town Council of The Town of Greenwood precisely as if each of said powers was expressly set forth in this Charter.
- (b) All ordinances adopted by the Town Council of Greenwood and in force at the time of approval, acceptance and going into effect of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Greenwood under the provisions of this Charter.
- (c) All of the acts and doings of the Town Council of Greenwood or of any official of the Town Council of Greenwood which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Town Council of Greenwood or under any provision of any prior Charter of The Town of Greenwood, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.
- (d) All taxes, assessments, license fees, penalties, fines, and forfeitures due The Mayor and Council of The Town of Greenwood shall be due The Town of Greenwood and all debts due from The Mayor and Council of The Town of Greenwood shall remain unimpaired until paid by The Town of Greenwood.
- (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 Town Council of The Town of Greenwood.
- (f) The bonds given by or on account of any official of The Town of Greenwood 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 be and the same are hereby repealed to the extent of any such inconsistency.
- (h) If any part of this Charter shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions of this Charter.
- (i) This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

Section 36.

- (a) Subject to the limitations and conditions hereinafter set forth, the Town shall indemnify, from the general funds of the Town's Treasury, any person who is a party to, or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Town of Greenwood itself) by reason of the fact that he or she is or was a Councilmember, Mayor or other duly elected or appointed Town Official of the Town of Greenwood, or arising out of actions taken by each or any of them in connection with the performance of their official duties, against all expenses (including reasonable attorney's fees) judgments, fines and amounts paid in settlement, actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Town, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed

to the best interests of the Town of Greenwood, and with respect to any criminal action or proceeding had reasonable cause to believe that his or her conduct was unlawful; provided however, that in the event of a monetary settlement, the Town Council shall first approve the amount and terms of the settlement before the right to indemnification shall vest.

- (b) Indemnification as provided by this Charter shall be made by the Town only as authorized in the specific case upon a determination that indemnification of the Councilmember, Mayor and/or Town Officer is proper in the circumstances because he or she met the applicable standards of conduct set forth above. Such determination shall be made:
 - (1) By a majority vote of a quorum of the Town Council consisting of Council members who were not parties to such action, suit or proceeding, or
 - (2) If such a quorum is not obtainable, by independent legal counsel in a written opinion.
- (c) The right to indemnification hereunder shall be secondary to the coverages provided by any applicable policy of insurance and such policy(s) shall be construed and enforced as if no right of indemnification existed under this Charter. Nothing in this Section shall eliminate or reduce the scope or amount of coverage that would otherwise be in effect under any applicable policy of insurance but for this Section, and the right to indemnification shall be limited only to those amounts not covered by applicable policies of insurance.
- (d) Anything herein to the contrary notwithstanding, the right to indemnification shall be limited, per incident, to a sum not exceeding the Town's total tax revenues for the two (2) fiscal years immediately preceding the incident giving rise to the claim.

76 Del. Laws, c. 15

Approved July 5, 1991.

68 Del. Laws, c. 109; 69 Del. Laws, c. 20; 76 Del. Laws, c. 15; 76 Del. Laws, c. 154; 79 Del. Laws, c. 228;