

Kenton

Section 1. Boundaries And Town Plot

- (a) Boundaries: The limits and boundaries of the Town of Kenton in Kent County, Delaware, shall be as previously fixed and established or hereafter altered according to law and shall be marked and defined according to maps and plots now of record or hereafter recorded in the Office of the Recorder of Deeds in and for Kent County pursuant to lawful annexation proceedings. Such maps and plots, when so made and approved by the said Council, and signed by the Mayor and Secretary of Council, and sealed with the town seal and when recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for Kent County, at Dover shall be deemed to be the true and correct maps and plots of the Town and of all the streets, boundaries, lanes and alleys thereof, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of Law and Equity in the State of Delaware.
- (b) Alteration Of Boundaries
- The Town of Kenton is authorized to alter its boundaries by the annexation of new territory in the manner hereinafter set forth; provided however, that no territory not contiguous to the Town at the time of the annexation may be annexed in the Town.
- (1) The Council shall adopt a resolution proposing the inclusion of territory within the limits of the Town of Kenton and calling for a special election to be held in said territory. The resolution shall contain a description of the territory proposed to be annexed and shall specify the date, time, and place or places of said election. The resolution shall be published at least twice in a newspaper of general circulation in the Town of Kenton at least two weeks but not more than four weeks before the day of the election.
- (2) If more than one territory is involved in any resolution, elections may be held in more than one of them on the same day, but the elections shall be separate; only the votes of the qualified voters and real estate owners of a territory shall be counted in the election to determine whether that territory shall be annexed.
- (3) At any such election, the following rules shall govern voting:
- (a) Each legal entity (whether an individual, partnership, corporation, association, trust, or any other entity capable of holding legal title), owning property solely in its own name, shall be entitled to one vote. Where property is held in a life estate, the holders of the life estate shall be deemed, for purposes of this provision, to be the owners in fee thereof and entitled to vote accordingly.
 - (b) Each bona fide domiciliary of the provided they are 18 years of age or older and have resided in the territory for at least 30 days prior to the day of the election.
 - (c) Each legal entity entitled to vote (other than a natural person) must cast their vote by a duly executed power of attorney. Any natural person entitled to vote may cast his vote in person or by a duly executed power of attorney; however, no person whose name is not listed either as a taxpayer or voter in the Town of Kenton shall be entitled to authorize another person to cast his vote by use of a Power of Attorney.
 - (d) These rules shall be construed so as to permit only "one-man, one-vote." Where a voter is entitled to vote by virtue of both residence and ownership of property in the territory, that voter shall be entitled to only one vote. Where a voter is entitled to vote by virtue of ownership of two or more properties in the territory, that voter shall be entitled to only one vote.
 - (e) Any person holding a power of attorney will be accompanied into the voting booth by an elections officer to insure that the vote is cast in accordance with the Power of Attorney.
- (4) Any such election shall be conducted by the Elections Board of the Town of Kenton who shall make all decisions concerning eligibility of voters, validity of Powers of Attorney, and other similar matters pertaining to the conduct of the election. The Town Council shall

bear the cost of conducting the election and shall provide ballots. The ballots shall briefly but clearly indicate the territory proposed to be annexed into the Town and shall provide two boxes beside which shall appear the words: "For inclusion within the Town of Kenton" and "Against inclusion within the Town of Kenton."

Each voter shall indicate his preference by making a mark within the box beside the words expressing his preference.

- (5) When the polls are closed, the election officers shall publicly count the votes and forthwith certify to the Secretary of the Council the numbers of votes cast for and against inclusion within the Town limits. At the next regular or special meeting of the council, the Council shall receive the results of the election and make the same a part of the minutes of said meeting.
- (6) If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the Council shall thereupon adopt a resolution annexing said territory and including it within the limits of the Town of Kenton. Upon the adoption of a resolution of annexation, a copy thereof certified by the Secretary of the Council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County and the area so annexed shall for all purposes thenceforth be a part of the Town of Kenton.
- (7) If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of the Town of Kenton, the proposed annexation shall be declared by the Council to have failed.
- (8) Nothing in this section shall prohibit the Council from resubmitting a proposal of annexation to the voters of said territory, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

Section 2. Body Corporate, Powers

(a) Body Corporate:

The inhabitants of the Town of Kenton, within the limits and boundaries referred to in Section 1 of this Charter, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic and corporate in Law and in Equity by the corporate name of the "Town of Kenton", and under that name shall have perpetual succession.

The Town of Kenton shall succeed to own or possess all property, whether real, personal, or mixed, and all powers, rights, privileges or immunities now or heretofore belonging to, possessed, or enjoyed by the Town of Kenton.

(b) Powers:

The Town of Kenton shall have and enjoy all the powers possible for a municipal corporation, city, or town to have under the Constitution and Laws of the State of Delaware, as fully and completely as though they were specifically enumerated in this Charter. Included among, but not in limitation of its powers, the Town:

- (1) May have and use a corporate seal, which may be altered, changed or renewed at pleasure.
- (2) May sue and be sued, plead and be impleaded in all courts of Law and Equity in the State of Delaware or elsewhere.
- (3) May hold and acquire by gift, negotiation and purchase, devise, lease or condemnation property both real (improved or unimproved) and personal or mixed, within or without the boundaries of the Town, in fee or lesser estate or interest, necessary or desirable for any municipal or public purpose, including but not limited to, providing sites for construction, improving, extending, altering, or demolishing:
 - (a) public buildings;
 - (b) parks;
 - (c) streets, squares, lanes, alleys, and sidewalks;
 - (d) sewer systems, including but not limited to sewage disposal or treatment plants, and all appurtenance thereto;

- (e) water systems, including but not limited to, water plants, wells, lines, conduits and all appurtenance thereto;
 - (f) electric systems, including but not limited to, electric plants substations, distribution systems, lines, conduits and all appurtenance thereto;
 - (g) gas systems, including but not limited to, storage tanks, distribution systems, conduits and all appurtenance thereto;
 - (h) recreational facilities, including but not limited to, public bathing beaches, gymnasiums, athletic fields, bicycle paths, tennis, basketball, or paddleball courts and all appurtenance thereto;
 - (i) for slum clearance and redevelopment, urban renewal, revitalization, or rehabilitation of blighted areas, or removal of dangerous buildings;
 - (j) for the protection of the health of the citizens of the Town,
 - (k) for the proper furnishing of adequate municipal services to the citizens of the Town and those persons residing in such proximity to, but beyond the corporate limits of the Town of Kenton who can be furnished with such municipal services, in the discretion of the Council to the mutual benefit and advantage of the Town and such non-residents thereto, upon such terms, charges, and conditions as the Town Council may determine and approve.
- (4) May sell, grant, alienate, lease, mortgage, manage, hold and control such property as the interests of the Town may require except as prohibited by the Constitution of the State of Delaware or as restricted by this Charter.
- (5) May pay for the acquisition, construction, improvement, extension, alteration, or demolition of any municipal or public property, real, personal, or mixed, from the general fund of the Town, from the proceeds of any bond issue which may be authorized and sold for any of the purposes for which lands and premises are authorized by this Act to be acquired, and/or from the proceeds of any grant or loan made to the Town by any governmental entity of the United States or the State of Delaware where the proceeds of the grant or loan are for the purposes for which lands and premises are authorized by this act to be acquired.
- (6) May prevent vice, drunkenness and immorality;
- (7) May provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;
- (8) May prohibit all gaming and fraudulent devices;
- (9) May prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, production, circuses or other public performances, amusements and games;
- (10) May 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 and replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other public thoroughfare within the Town; and may hire skilled surveyors to make plots or maps showing the limits of the Town and the ascents, descents, and limits of all streets, lanes, alleys, sidewalks, and building lines, and to show the location, depth, and grade of all sewer and water mains.
- (11) May establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large and to authorize the destruction of the same; and to regulate the keeping of dogs within the Town, and to provide for registration and fees therefore.

- (12) May enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners;
- (13) May prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, post or any other erection or projections in, over, upon or under any street, highway, alley, lane, water course, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer drain, aqueduct or pipeline of the Town;
- (14) May provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, or fills for the preservation of any strand or high land within the limits of the Town and contiguous thereto to the end that the same may be preserved, property protected that the general public might enjoy the use thereof.
- (15) May grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restriction, stipulations and conditions and for such considerations as the Town Council shall deem in the best interest of the municipality, to use the present and future streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, television, railroad, excepting railroad or railways engaged in interstate commerce, bus, taxi, or other transportation, carrier or public service to the Town to points outside the limits thereof, and for the purpose of erecting wharves and piers and for the purpose of vending any article or merchandise or service upon or from any vehicle upon any present and future street, highway, lane, alley, etc.
- (16) May direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees;
- (17) May direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter;
- (18) May provide for or regulate the numbering of houses and lots on the streets and the naming of the streets and avenues;
- (19) May regulate, control or prevent the use or storage of gasoline, naphtha, gun powder, fireworks, tar, pitch, resin, and all other combustible or dangerous materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to regulate, suppress, remove or secure any fireplace, stove chimney, oven broiler, or other apparatus which may be a fire hazard.
- (20) For the prevention of fire and the preservation of the beauty of the Town, may regulate and control the manner of building or removal of dwelling houses and other building; 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 materials; and may prohibit any building or construction except those for which a building permit has been issued as prescribed by Council; and generally to exercise all powers and authorities vested by virtue of Chapter 3, Title 22, of the Delaware Code and all amendments heretofore or hereafter adopted;
- (21) May regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other device for discharging missiles which may cause bodily injury or harm to property; and to regulate or prevent the use of bonfires, fireworks, bombs and detonating works of all kinds;
- (22) May provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding one thousand dollars (\$1,000.00) or thirty (30) days imprisonment, or both;
- (23) May 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 to 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 therefor as the Town Council shall deem advisable;

- (24) To condemn, upon inspection, any existing building or structure in the Town which is determined to be a fire hazard or otherwise unsafe, and cause the same to be torn down or removed.
- (25) To levy and collect taxes upon all gas and water mains, telephone, telegraph, power poles, pipelines, rail lines, and other constructions or erections of a like character, erected within the limits of the Town, together with the wire or other appliances thereto or thereon attached and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee of such construction or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to collection proceedings, the Town Council shall have the authority to cause the same to be removed; and to enact ordinances to prevent, abate or regulate disturbances with radio or television reception in the Town.
- (26) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising to 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.
- (27) 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;
- (28) To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency;
- (29) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due the Town by the performance of labor or service for the Town by any person owing the same;
- (30) To inquire into and investigate the conduct of any officer, agent or employee of the Town of 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;
- (31) To establish 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. 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;
- (32) To make, adopt and establish all such Ordinances, Regulations, Rules, and By-Laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and 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.
- (33) To enact ordinances or resolutions as the Town Council may prescribe for the remission of Town taxes.

(34) To determine what purposes are deemed to be public purposes or deemed to be municipal purposes.

(35) In the preparation and printing of any bonds and the interest coupons therefor now or hereafter authorized by legislative enactment to be issued by the Town of Kenton, where any such bond is signed by the Mayor of the Town of Kenton and by the Treasurer of the Town of Kenton, and Trustee's Certificate on said bond is signed by the Secretary on behalf of the Town Council of the Town of Kenton, the signatures of the Mayor and of the Treasurer of said Town on the interest coupons attached to and belonging with such words may be facsimiles, either engraved or printed or stamped on said coupons.

(36) The Town Council may, by ordinance, establish and collect a realty transfer tax not to exceed the rate of one percent (1%) of the value of the property conveyed in conformance with the definitions and exceptions governing the Delaware State Realty Transfer Tax as contained within Chapter 54, Title 30 of the Delaware Code, and all amendments heretofore or hereafter adopted.

(c) Liberal Construction; Manner Of Exercise:

The powers of the Town of Kenton under this Charter shall be liberally construed in favor of the Town of Kenton, and the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the Town of Kenton shall have, and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter to specifically enumerate. All powers of the Town of Kenton, whether express or implied, shall be exercised in the manner provided by ordinance or resolution of the Town Council. The Council may, by resolution, do such other act or thing incidental, necessary, or useful in connection with any of the matters in this Act duly authorized.

(d) Intergovernmental Cooperation:

The Town of Kenton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, except as prohibited or restricted by the Constitution or laws of the State of Delaware or by this Charter.

Section 3. Town Council

(a) Qualifications, Nomination, Term Of Office:

(1) Qualifications.

The government of said Town and the exercise of all powers conferred to the Town by this Charter or the laws of the State of Delaware shall be vested in a Town Council composed of five members, all five of which shall be elected at large. Nominees for the offices of members of Council shall be at least twenty-one years of age and no person shall be elected to the office of Council member unless he shall have been a bona fide domiciliary of the Town for at least one year prior to the day of the election. Any person elected to the office of Council member must continue, throughout his term of office, to meet these qualifications or shall forfeit his office.

(2) Nomination.

The members of Council shall be nominated and elected as follows, to-wit: On the first Monday in February of 1992, and on the same day every other year thereafter, nominations shall be filed with any Council member. Such nominations shall be in writing, signed by the nominee or by five other qualified voters of said Town. Each nomination shall be presented to Council at a meeting to be held at its usual meeting place not later than eight o'clock p.m. on the evening of the last day for the filing of such nominations, which date shall be the first Monday in February prior to the date of election.

(3) Term of Office.

The terms of all Council members shall be two years from the day after their respective election and until their respective successors shall be duly elected and qualified.

(b) Elections:

(1) Voter Qualifications.

Each person, who, on the day of the election:

- (a) is eighteen years of age or older, and
- (b) has been continuously domiciled in the Town for at least thirty days; and
- (c) has not been adjudged an idiot, insane, or incompetent person by a court of competent jurisdiction; and
- (d) has not been convicted of a felony or been disenfranchised pursuant to Article V, §3 or §7 of the Constitution of the State of Delaware; and
- (e) has properly registered to vote in the Town of Kenton shall be entitled to vote in any regular or special election of the Town;

For purposes of this section, a person is "domiciled" in the Town when he physically resides within the corporate limits of the Town with the actual intent to make that residence his fixed and permanent home; however, any person who is enlisted or engaged in any government service of the United States, which service requires him to reside outside the limits of the Town, shall be considered to be a domiciliary of the Town during the period of his service so long as it remains his actual intention to retain his Kenton residence as his fixed and permanent home.

(2) Date and Time of annual Election.

The Annual Town Election shall be held on the first Monday in March in 1992 and in every other year at the Town Hall of said Town, or at such other convenient place in said Town as shall be appointed by the Council by a majority vote. The polls shall be open from two o'clock p.m. to eight o'clock p.m. or for such other times as determined by a majority vote of Council members. The council shall advertise the place, date, and times of the election at least once a week for three successive weeks immediately prior to said election in a newspaper of general circulation in the Town of Kenton, and post notices containing that information in at least three public places in the Town three weeks prior to the day of the election.

(3) Voting Machines/Ballots.

Council shall make arrangements with the Kent County Department of Elections for the use of an appropriate number of voting machines to be used at any contested election. In the event no contest exists in any election, the official candidate may assume office without the holding of a formal election.

(4) Election Board.

Every election shall be held under the superintendence of an Election Board, the number of persons on said Board to be an uneven number of qualified voters of the said Town and will be determined by the Council upon determination of the number of voting machines to be used and the number of clerks needed to conduct such election. The Election Board shall be appointed by the Council at least twenty days before the date of election, but if at the opening of the polls there shall not be present the Election Board as appointed, or any one of them, in such case the persons entitled to vote and then present at the polls shall appoint, by voice vote, a qualified voter or voters to act on said Election Board. The Election Board holding the election shall pass upon the qualifications of voters and conduct the election, keeping a list of all voters voting and at the close of such election shall announce the vote. The candidates having the highest number of votes for each office shall be declared elected and certificates shall be made out and delivered to the person or persons so elected. In case of a tie, the Election Board holding the election shall, by majority vote decide which of the candidates so tied shall be elected.

(5) Registration of Voters.

The Town Council shall have the authority to enact such ordinances concerning the registration of qualified voters for municipal elections in the Town of Kenton 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.

(c) Compensation; Reimbursement:

Each member of Council shall receive such compensation as is set by Council for each regular or special Council meeting attended by such person. The Council Secretary shall receive additional reasonable compensation as fixed by the Council. Any member of Council sitting to hear tax appeals shall also be paid such compensation as is set by Council for each sitting. Payments shall be made quarterly.

The Mayor and members of Council shall be reimbursed for their actual and necessary expenses while out of the said Town on business which has been duly authorized by motion, resolution or order of Council.

(d) Prohibitions:

(1) Holding Other Office.

Except where authorized by law, no Council member shall hold any other Town office or Town employment during the term for which he was elected to Council and no former Council member shall hold any compensated appointed Town Office or employment until one year after the expiration of the term for which he was elected to the Council.

(2) Contracts with the Town.

It shall be unlawful for the Council or the Town's officers, agents, or employees, to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Kenton with any member of Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

(e) Vacancies, Forfeiture Of Office:

(1) Vacancies.

The office of a Council member shall become vacant upon his death, resignation, lawful removal from, or forfeiture of his office.

(2) Forfeiture Proceedings.

A forfeiture of his office shall occur when the Council member:

- (i) lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law.
- (ii) willfully violates any express prohibition of this Charter.
- (iii) is convicted of a felony or any crime involving moral turpitude.
- (iv) fails to attend three consecutive regular meetings without being excused by Council.
- (v) is physically, mentally, or emotionally incapable of performing the functions of his office.

(3) Determinations concerning forfeiture of office shall be made by the Council, but the affected party shall not have a vote in any such decision. Such deliberations may be had in executive session and if the Council determines by a unanimous vote, that a forfeiture has occurred, it shall, within forty-eight hours of that determination, provide him written notice thereof, stating specific reasons. The affected party shall then have ten days in which to make a written demand for a public hearing before the Council, to be held within twenty days of the written demand, at which hearing he may appear with the assistance of counsel and present evidence to the relevant issues. Thereafter, the Council shall hear any other relevant evidence and vote again on the question of forfeiture; and if a determination of forfeiture is again made by a unanimous vote, the decision shall be final.

(4) Failure of the affected person to make written demand for a public hearing as hereinabove stated shall be an absolute bar to his right to challenge that decision. During, or in

connection with, any such proceedings, the Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done at the written request of the affected person.

(f) Filling Vacancies:

(1) Filling Vacancies on Council.

In case of a vacancy on the Council, the remaining Council members shall elect another qualified person to serve for the remainder of that vacant seat's term.

Section 4. Organization Of Council

(a) Organizational Meeting:

On the evening of the next meeting following the annual election, Council shall meet and organize by election of a Mayor, Vice-Mayor and Secretary who shall be members of Council. Before entering upon the duties of their offices, the newly elected Mayor, Vice-Mayor and members of Council shall be sworn, by a Notary Public, a Justice of the Peace, or any judge of the State of Delaware to faithfully and impartially perform the duties of their respective offices.

(b) Duties And Powers Of Mayor:

(1) The Mayor shall preside at all meetings of Council; shall serve as the head of the Town government for all ceremonial purposes and for purposes of military law; shall appoint all committees, subject to Council confirmation; shall have general superintendence of all municipal affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees and appointees as selected by Council for the superintendency or conduct of any specified municipal activity; shall receive complaints of nuisances and all complaints of violations of law or ordinances and present the same to Council at its first meeting thereafter for action of Council.

(2) The Mayor shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may prescribed by resolution or ordinance of Council. If the Mayor be incapacitated in the performance of the duties of his office, by reason of death, illness, absence or any other cause, including the institution of forfeiture proceedings, then all powers and duties conferred upon him by this Act and by any other law, and by any ordinance or resolution now or hereafter enacted or adopted by Council, shall during said incapacity be exercised and performed by the Vice-Mayor.

(3) The Mayor shall have the same right as other Council members to vote on all matters and may at any time appoint another Council member to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties as presiding officer. For purposes of establishing a majority vote, the Mayor shall be counted as a member of Council.

(c) Duties And Powers Of Vice-mayor

The Vice-Mayor shall during the temporary absence or inability of the Mayor, act as the Mayor, and while so acting shall be vested with all the powers, duties, and authority of the Mayor.

(d) Secretary:

The duties of the Secretary shall be to keep a true and faithful record of all the proceedings of Council at all meetings and to do and perform such other matters and things as may be prescribed by this Act, or law or which Council may from time to time prescribe by resolution and ordinance.

(e) Meetings Of Council; Regular And Special:

(1) Regular Meetings

The Town Council shall meet regularly the first Monday of each month, provided that when any meeting date falls on the day set for Town elections or a Town holiday, that meeting shall be held on the next business day. The time and place of each meeting shall be set by Council at their organizational meeting held the day following the annual election.

(2) Special Meeting; Waiver of Notice.

Special meetings shall be called by the Secretary upon the written request of the Mayor, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered. The Secretary shall thereupon give written notice to the Mayor and to each member of Council of the day, hour, and place of such special meeting and of the subject and subjects proposed to be considered. Such notice of the Secretary shall be delivered to the residences of the Mayor and Council members at least twenty-four hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the Mayor and all other members of Council prior to or immediately upon the convening of such special meeting shall make twenty-four hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Kenton shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at a regular meeting. In addition to notifying the members of Council, the Secretary shall also, at least twelve hours before the time of this special meeting, give public notice thereof by posting a copy of the notice and proposed agenda at the Town Hall, and making a reasonable number of copies thereof available to the public upon request.

(f) Acts Of Council:

In the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it receives the affirmative vote of a majority of all members elected to Council.

(g) Powers Of Council; Manner Of Acting:

All powers of the Town shall be vested in the Town Council, except as otherwise provided by law, and the Council shall provide for the exercise thereof and for performance of all duties and obligations imposed on the Town by law. All powers of Council, whether express or implied, shall be exercised in the manner provided by ordinance or resolution of Council.

Section 5. Other Elective Officers

(a) Town Treasurer:

- (1) The Town shall have a Town Treasurer who shall have the same qualifications as the members of Council. The term of the Town Treasurer shall be two year from the day following his election, or until his successor has been duly elected and qualified.
- (2) The Town Treasurer, to be elected, shall be nominated in the same manner and be elected by the same qualified voters, at the same Town elections and by the same regulations as prescribed in Section 3 hereof for the nomination and election of members of Council.
- (3) The Town Treasurer, upon entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by any member of the Council, Mayor, or Vice-Mayor.
- (4) The Town Treasurer, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council, in the sum as determined by Council, conditioned on the faithful discharge of the duties of his office and for the payment to his successors in office all sums of money belonging to said Town which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty.

- (5) The Treasurer shall be responsible for the collection of Town taxes and other revenue accruing to the Town and shall pay all orders drawn on him by order of said Council and signed by the Mayor and Secretary thereof, out of any monies in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the fiscal year, and oftener and at such other times as Council may require.
- (b) Assessor:
- (1) The Town shall have an Assessor, who shall have the same qualifications as members of Council.
- (2) The Assessor, to be elected, shall be nominated in the same manner and shall be elected by the same qualified voters, at the same Town elections and by the same regulations as prescribed in Section 3 hereof for the nomination and election of members of Council. The term of office of the Assessor shall be two years commencing the day following his election and until his successor is duly elected and qualified.
- (3) The Assessor, before entering upon the duties of his office, shall be sworn or affirmed by the Mayor or Vice-Mayor to faithfully and impartially perform the duties of his office.
- (c) Compensation:
The Town Treasurer and the Assessor shall each receive such reasonable compensation as the Council shall fix.
- (d) Vacancies, Forfeiture Of Office, Filling Vacancies:
- (1) Vacancies.
The office of Treasurer or Assessor shall become vacant forthwith upon the death, resignation, lawful removal from, or forfeiture of, the person holding that office.
- (2) Forfeiture of Office.
A forfeiture of his office shall occur when the Treasurer or Assessor:
- (i) lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law; or
 - (ii) is convicted of any felony or any crime involving moral turpitude; or
 - (iii) is physically, mentally, or emotionally incapable of performing the functions of his office. Forfeiture proceedings concerning the office of Treasurer or Assessor shall be as provided for the Council members in Section 3, Subsection (d) of this Charter.
- (3) Filling Vacancies.
Where any vacancy occurs in the office of Town Treasurer or Assessor, such vacancy shall be filled by appointment of Council for the residue of that term, provided that the person appointed by Council to fill such vacancy or vacancies shall have the same qualifications as are required of a candidate for the office to be so filled and provided, further, that Council shall have the same powers and limitations of appointment in case of any vacancy in the aforesaid offices for any reason.

Section 6. Appointed Officers

- (a) Town Manager:
- (1) The Council may appoint a Town Manager who shall be the chief administrative officer of the Town of Kenton. He need not when appointed be a resident of the Town of Kenton, or of the State of Delaware but shall, as a condition of his employment, become domiciled within a radius of the Town Hall as determined by Council within six months of his appointment. No member of Council including the Mayor shall, during the term for which elected, be appointed to act as Town Manager. The Town Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the Mayor and Council, subject to his right as an appointed officer as provided in Section 6 (e) of this Charter. In case of the absence, disability or suspension of the Town Manager, the Mayor and Council may designate some other competent person to perform the duties of the office during such absence, disability or suspension.

- (2) The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town placed in his charge, and shall have such powers and duties and as shall be fixed from time to time by resolutions or by ordinances of the Council, provided that no such resolution or ordinance shall conflict with the powers and duties of any other officer of the Town duly elected by the voters thereof, during the time for which such other officer was elected.
 - (3) It shall be the duty of the Town Manager to collect water and sewer rents or charges for electric service and all other kinds of Town revenue and money from time to time due said Town. The Town Manager shall pay all monies collected by him to the Town Treasurer at least monthly. In addition to any other bond required by the Council, as provided in this Act, the Town Manager, before collecting any charges due the Town, shall be bonded by the Town of Kenton with sufficient surety to be approved by the Council in an amount determined by Council, conditioned for the faithful performance of the duties of his office pertaining to the collection of charges due said Town not later than the last day of each fiscal year, and oftener and at such other times as the Council may require. There shall be included in such bond the usual full warrant of attorney for confession of judgment in favor of the Town of Kenton for said penalty as determined by Council if the form of such bond makes the same expedient, at the discretion of the Council.
 - (4) The Town Manager shall, when so requested by the Council, submit his recommendations as to all other appointive officers or employees of the Town to be engaged in any branch of municipal activities over which the Town Manager shall then be in charge, and the Council may follow such recommendations or appoint other persons, as the Council deems for the best interest of the Town. All subordinate appointees and employees of the town shall be under the supervision of the Town Manager while engaged in any municipal activity which has been placed in the charge of the Town Manager. Dismissal of all such subordinate appointees and employees of the Town shall be vested in the Council, subject to the provisions of Section 6 (e) of this Charter as to appointed officers, and subject to such personnel policies as adopted by the Town as to other employees.
 - (5) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town placed under his charge, to make such recommendations to the Council concerning the affairs of the Town as may seem to him desirable; to keep the Council advised of the financial condition and needs of the Town insofar as his prescribed duties and powers permit; to prepare and submit to the Council budget estimates at such times as the Council may designate; to prepare and submit to the Council from time to time such reports as they may request, and to perform such other duties as may be prescribed by this Act or by resolutions or ordinances of the Council. The Town Manager shall keep a full and strict account of all Town monies received by him and such accounts shall at all times be open to inspection by the Council, and he may be required to furnish bond at the expense of the Town, in addition to being bonded for the collection of taxes, in such amount and in such form and with such surety as the Council may prescribe and approve.
- (b) Chief Of Police:
- (1) The Council may appoint a Chief of Police who shall be the chief law enforcement officer of the Town of Kenton. He need not, when appointed, be a resident of the Town or of the State of Delaware, but shall, as a condition of his employment, become domiciled within a radius of the Town Hall as determined by Council, within six months of his appointment. No member of Council, shall during the term of office for which elected, be appointed to act as Chief of Police. The Chief of Police shall be appointed for an indefinite term and shall be removable at the pleasure of the Council, subject to his rights as an appointed officer as provided in Section 6 (e) of this Charter. In case of the absence, disability, or suspension of the Chief of Police, the Council may designate some other competent person to perform the duties of the office during such absence, disability, or suspension.
 - (2) The Chief of Police shall, with the approval of Council, secure and appoint the required number of competent personnel to properly staff and operate the Police Department of the Town of Kenton, of which he shall be the chief administrative officer.
- (c) Deputy Treasurer:

The Council may appoint a Deputy Treasurer who shall conform in every respect to the Treasurer as regards his qualifications, term of office, oath of office, bond, and warrant of attorney. The Deputy Treasurer shall serve under the direction of the Treasurer and his authority to pay orders shall be limited to the authority specifically delegated to him in writing by the Town Treasurer; provided that whenever the Treasurer is unable to fulfill the duties of his office by reason of disqualification, illness, death, or extended absence from the State, the Deputy Treasurer shall assume all responsibilities and authority of the Treasurer.

(d) Compensation, Reimbursement:

All appointive officers of the Town shall be paid such sums and receive such benefits, as determined by Council. Appointive officers shall be reimbursed for their actual and necessary out-of-pocket expenses as reasonably and necessarily incurred in the furtherance of their duties, subject to approval by the Council.

(e) Removal Of Appointed Officers:

(1) The Town Council shall have full power and authority, by a majority vote of all members, to remove at any time any of the appointed officers of the Town for cause.

(2) In such event such officer shall be entitled to an appeal and a hearing and final determination by Council. He shall receive a copy of the charges and at such hearing shall have the right to be heard in his own behalf, and may be represented by counsel, and Council shall hear witnesses and evidence as he may desire to present, relating to such charges prior to making a final determination of the case. Any such officer may be immediately suspended, with salary, pending such appeal hearing and the final determination of the case by Council.

(3) "Cause," for purposes of this Section, means one or more specific, articulable reasons which rationally support removal from office, as opposed to whimsical, or arbitrary and capricious motives. "Cause" does not have to rise to gross incompetence, malfeasance, misuse of office, conviction of a crime, or other serious infraction to justify removal from office if the Town Council so agrees by majority vote.

Section 7. Assessments: Appeals

(a) Assessments:

(1) It shall be the duty of the Assessor, to make a personal inspection of all taxable real property in said Town and to make a true, just and impartial valuation and assessment, at the true market value thereof, at the time the assessment is made.

(2) In addition to the elected Assessor, it shall be within the discretion of the Council to appoint a professional assessor to assist the Assessor in performing the duties of the office to which he was elected, but the assessor shall in all instances be responsible for making the final determination.

(3) The Assessor, in all years, shall make three copies of such assessment and return the same to Council not later than the first Council meeting in April of each year.

(b) Additions To Tax Bills:

The Town Council shall annually, prior to the posting of the assessment records, by resolution, list any and all charges, costs or other assessments owed to the Town, which list of charges incurred shall include, but not be limited to, the following: curb and gutter assessments, sewer and water charges and assessments, weed and grass cutting bills, past due electric charges and past due water rents. Said amounts, when adopted and set forth by resolution of the Council, shall be shown on the copies of the assessments posted pursuant to the provisions of Section 7 (c) of the Charter.

(c) Assessment Appeals:

The Town council shall annually fix the sum to be assessed upon each and every citizen owning taxable real property within the limits of said Town, and the sum so fixed shall be one and the same for every class and description of citizens. The Council shall, after receiving the three copies of assessment from the Assessor as hereinbefore provided, and after assessing the real estate of the Assessor, cause two of the copies of the assessment to be posted in two

such public and convenient places, as Council shall designate in said Town, where they shall remain for at least ten days prior to the first Monday in May for public inspection and hold a Court of Appeals, or Appeal Day, which shall be open from four o'clock P.M. until eight o'clock P.M. of said day at the Council's chambers in said Town, or at such other place as may be designated in the two copies of the assessment posted as aforesaid, at which time and place Council shall hear and determine appeals from the said assessment and may make such corrections, authorize such additions to or alterations in said assessment as Council determines to be proper. Council may adjourn the Court of Appeals to the following day if all appeals cannot be heard on the regular Appeal Day. Notice of the posting of said two assessment lists, and also at the same time, notice of the time and place of hearing appeals, shall be given by posting notices in at least three public places in the Town of Kenton and advertising at least once in a newspaper of general circulation in the Town at least ten days prior to the first Monday in May. The determination and decision of Council upon any appeal, or upon any matter relating to such assessment, shall be final and conclusive. No member of Council shall sit to hear his own appeal but such appeal shall be heard and determined by the other members of Council.

Section 8. Taxation And Collection

(a) Taxation:

(1) General Purposes; Bonds.

The Town Council of the Town of Kenton is hereby authorized to levy and collect from the taxable of said Town, according to the terms and provisions of this Act, and any other Acts not hereby repealed or made inconsistent hereby, such sum of money as may be deemed by Council necessary and proper for the general municipal needs of said Town, which sum shall in no year exceed a sum of money in excess of one percent of the total assessed value of all the real estate subject to taxation in the Town. Provided however, that this limit on taxes for general Town purposes shall not limit or prohibit the council from levying and collection such further and additional taxes or sums of money in any year as may be necessary or expedient to pay the interest on the bonds of the Town of Kenton now outstanding, or authorized by legislative enactment, and such sum or sums deemed by Council to be necessary or expedient to retire such bonds when and as they become due or before they become due, and also such sum or sums deemed by Council necessary or expedient to create an adequate sinking fund reserve for the retiring of Town bonds either before or at the time they become due, and the Town Council is hereby granted full power and authority to levy and collect such additional taxes or sums of money in any year as it deems necessary or expedient for the aforesaid payments of interest on bonds, for the creation of such sinking fund reserves and for the retiring of bonds of said Town, whether such bonds be now outstanding, now authorized but not issued, and/or may be authorized and issued in pursuance of legislative enactment in the future.

(2) Special Tax by Town Meeting

That the citizens of the Town of Kenton may assemble in Town Meeting at the last Council Meeting in January in any year to determine whether any sum or sums additional to those hereinbefore mentioned shall be levied and collected for any specific purpose or purposes during that fiscal year: notice of which meeting, the day and place thereof and the special purpose and purposes for which additional sum or sums are desired to be raised having been published in a newspaper in general circulation in Kent County, in at least two issues preceding the time set for said Town meeting. At said meeting a resolution or resolutions in writing shall be offered, stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. At said meeting every resident and non-resident taxable of said Town, having paid all taxes assessed to them and due and payable at the time of said Town meeting shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last assessment in the Town. It shall be the duty of the Town Treasurer to be present at the meeting with the tax and assessment records of his office

and to inform the voters and the officers of the meeting the number of votes the respective voters are entitled to cast and his records in this respect shall be official and final. The qualified voters as aforesaid, present at the Town meeting, shall then proceed to vote "yes" or "no" by ballot upon said resolution or resolutions and the result for or against the resolution or resolutions shall be certified to the Secretary of the Town Council within three days after the said Town meeting by the persons chosen by the qualified voters present at the Town Meeting as Chairman and Secretary of the Town meeting and, if a majority of the votes cast at the Town meeting shall be in favor of said resolution or resolutions, then the Town council shall levy and collect said additional sum or sums and apply the same for the purpose specified, the residue shall be carried into the general fund or Treasury of the Town for general Town purposes but if a majority at the Town meeting be against the Resolution or resolutions, the Town Council shall not levy and collect said proposed additional sum or sums. The authority for such additional taxes as above provided for, shall only apply to and be effective for the fiscal year in which the Town meeting is held and the additional taxes are approved. The monies arising from any additional taxes, approved and levied as aforesaid, need not all be expended by Council during the fiscal year they are authorized if the purpose or purposes approved by the Town meeting have not been completed, but the Council must completed the specified works as soon as practicable.

(b) Levy:

- (1) After the said valuations and assessment shall be examined, adjudged and approved by Council as provided in Section 7, all taxes shall be levied, assessed and raised on taxable real property thus valued and assessed, in just and equal proportions and rates.
- (2) The Town Council of said Town after having ascertained and determined the sum necessary and proper to be raised from the taxable of said Town, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, not later than the fifteenth day of May in each year, cause to be delivered to the Town Treasurer a list of assessment containing the names of taxables, the name of each taxable, the amount of real estate, and the taxes on the whole valuation and assessment and the rate per hundred dollars thereof. Such list or assessment shall include the list and all charges, costs, or other assessment owed to the Town, including but not limited to curb and gutter assessments, weed and grass cutting bills, past due electric charges, and past due water rents.
- (3) The list or assessment, with the warrant for collection of the taxes assessed, shall be approved by Council and shall be signed by the Secretary of Council.
- (4) The Town Treasurer immediately after receiving said list and warrant, shall proceed to collect the taxes as written and contained in said list and in collecting the same shall have all of the power conferred by law on the receiver of Taxes in Kent County by virtue of the Laws of Delaware now in force or hereafter enacted. In the collection of said taxes, the Council of said Town shall authorize and order the Town Treasurer to deduct six percentum (6%) from the amount of the tax assessed against property of any taxable who will pay such tax by the first day of June, next following the assessment of the said tax, and to add to the amount of the tax assessed against the property of any taxable to be paid after the last day of September in the year in which the assessment and warrant shall be delivered to him, a penalty at the rate of one and one half (1 1/2) percentum (1 1/2%) per month until same shall be paid, which penalty shall also apply to any additional charges added to the tax bill pursuant to Article 8 (b).

(c) Collection:

(1) Attachment for Taxes

In addition to the powers hereinafter given to the Treasurer for the collection of the Town taxes, it shall be and may be lawful for such Town Treasurer, on and after October first in each year and after demand made by him upon the person against whom the taxes may be assessed, for the payment of the tax assessed, and the failure of said taxable to pay the same on demand, to give written notice to any person or persons residing in the State of Delaware, whom the Treasurer may believe to have in his, her or their possession,

goods, chattels, rights, credits, monies or wages belonging to or owing to said taxable, stating the amount of taxes due from said delinquent taxable and if the person served with notice as aforesaid shall refuse or neglect for thirty days after such notice to file a statement with the Treasurer giving in detail the goods, chattels, rights, credits, monies, or wages in his hands belonging to said delinquent taxable, or any he has, or had at the time of such notice, and to deliver the same to the Town Manager, or to pay into the hands of the Town for taxes due and owing to said Town from said delinquent taxable, and all costs incurred in and about the collection of taxes due said Town for said delinquent taxable, the Treasurer may proceed by suit in the name of the Town of Kenton, before any justice of the Peace in the Town of Kenton, or if there be none in said Town, a Justice of the Peace elsewhere in the state, against any person notified as aforesaid and failing as hereinbefore provided, and may recover against him, her or them a judgment for the amount of the Town taxes due from said delinquent taxable and all costs. The costs shall be fixed by the Justice of the Peace hearing the case and shall conform, as nearly as may be, in amount to fees in cases now cognizable before a Justice of the Peace. The costs for serving the written notice shall be the same as now provided by law in cases of attachment. The oath of the Treasurer shall be sufficient evidence of the demand on the taxable, and the service of notice upon and the refusal or neglect of the person, in whose hands were supposed to be goods, chattels, rights, credits, monies, or wages of such delinquent taxable.

(2) Tax Lien

The provisions of Title 9, Chapter 87 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter except that the lien for Town taxes as prescribed in §8705 (d) of said Chapter 87 shall remain a lien for a period of ten years from the date prescribed by this Charter for the delivery of the assessment or duplicate thereof to the Treasurer.

Section 9. Exemption From Taxation; Mandatory Exemptions

(a) Exemption From Taxation:

The Town Council of the Town of Kenton shall have the power and authority to exempt, by ordinance or resolution, such real property from the Town's property tax as, in the opinion of the Council, will best promote the public welfare, including without limitation, the following:

(1) Newly Annexed Territory.

The Town Council of the Town shall have the power by an ordinance or by resolution to relieve, release, exonerate and exempt from taxation or reduce the rate of taxation for all or part of any real property hereinafter annexed as a part of the Town of Kenton; provided however, that the real property so annexed or any part thereof shall be taxed at the established rate for taxation upon the application for and the granting of a building permit and/or transfer of ownership of any lot or lots from any owner or owners at the time of annexation.

(2) Manufacturers Employing Six or More Persons; Utilities. The Town Council of said Town Shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real property of any person, firm association or corporation used in any manufacturing business within the limits of said Town and employing not less than six persons; and the real property of any person, firm, association or corporation used in the manufacture or distribution or both, of water, gas, electric current or other service or commodity deemed desirable or necessary for the best interests of the inhabitants of said Town, and the real property held, owned, leased or employed by any person, firm, association, or corporation with whom Council may now or in the future have a contract for the furnishing to said Town and its inhabitants of electric current, light, power, heat, water, or any or, all of them, from any assessment of taxes for Town purposes or other taxes over which Council has power or authority and from the payment of the same. No property shall be exempt from taxation under this subsection until such an ordinance is enacted or such a special resolution adopted and the period of such exemption shall be

only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years and shall only be revocable upon the breach of a condition contained in such ordinance or resolution.

(b) **Mandatory Exemptions:**

Property belonging to the State of Delaware, or to the United States, or to any County of the State of Delaware, or owned by any municipality of the State of Delaware, and held for public use, or any college or school used for educational or school purposes, or any corporation created for charitable purposes and not held by way of investment, shall not be liable to taxation and assessment.

Section 10. Finances

a) **Fiscal Year, Annual Statement:**

The fiscal year of the said Town shall begin with the first day of January in each year and shall end with the next succeeding thirty-first day of December. The Town Council shall cause a full and correct annual statement of the receipts and disbursements of all Town monies for the fiscal year next preceding, to be published in a newspaper published in the Town of Kenton, or if there is none, one published in Kent County, at least once not more than two weeks and not less than one week prior to the annual Town election.

(b) **Use Of Town Money:**

The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town, or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interests of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolutions of Council.

(c) **Town Bonds And Notes:**

(1) The Town Council of the Town of Kenton shall have full power and authority to borrow, upon the faith and credit of the Town of Kenton, a sum or sums of money not exceeding one and one-half percent (1 1/2%) of the Town's total taxable assessed property value in any one fiscal year, not to exceed a total of six percent (6%) of total assessed value, when in the opinion of the majority of Council the needs of the Town demand it. The Town Council may secure such sum or sums of money by promissory note or notes, or certificates of indebtedness of the Town of Kenton duly authorized by resolution of Council, and signed by the Secretary, and by the Mayor, with or without the corporate seal of the Town affixed in accordance with the request of the persons or corporation advancing the money on said notes or certificates, and no officer or member of council shall be personally liable for the payment of such notes or notes, because of his signature as an officer of the Council, his membership in Council or his approval of the authorizing resolution. Provided, however, that any sum of money borrowed by the Council on the full faith and credit of the Town of Kenton as aforesaid shall be repaid in full, together with all interest and charges thereon, within a period not to exceed ten (10) years and shall be repaid in equal annual installments out of the General Funds of the Town.

(2) This provision in no way shall be interpreted to apply to the right of the Council to submit to the voters for their approval capital improvement projects to be financed by long term bonds issue, the sale of bonds to be in accordance with the established procedures required in connection with same.

Section 11. Streets:

(a) The Town Council shall have power and authority to ascertain, locate, lay out and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it in the best interests of the said Town. The procedure in every case as aforesaid shall be as follows: The said Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street, or any part thereof, as the

- case may be and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in three or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.
- (b) At the time and place fixed in the said resolution, the Council shall hear such residents of the Town, or owners of the property affected as shall attend, and Council shall at said meeting, or at a subsequent day, as it shall deem proper, adopt a resolution, by majority vote, to proceed with, or to abandon, as it shall deem in the best interests of the Town, the opening of the new street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or parts thereof as the case may be. In case the determination of the Council shall be to proceed with the plan contemplated by the resolution Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council upon delivery of a Deed in fee simple in favor of the Town of Kenton, free and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid is dissatisfied with the compensation awarded by the Council he may within (5) days after the award of Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary of Council. In order to prosecute said appeal such appellant shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Superior Court for the State of Delaware in Kent County for the appointment of appraisers to hear and determine the matter of compensation to such appellant for any property of which he will be deprived, and thereupon the Superior Court shall issue a commission directed to three impartial appraisers of Kent County, commanding them to determine and fix the damages which the appellant will sustain by reason of being deprived of any property taking into consideration the benefits or advantages that will inure to the appellant from the new street or otherwise, and to make return of their findings to the Court at a time appointed in the commission. The appraisers shall give notice of the day, hour and place when they will view the premises and to assess the damages, if any. Such notice shall be served upon the appellant personally, and by posting a copy on the premises affected at least five days before the day when they are to view the premises and a copy of such notice shall also be served on the Secretary of Council at least five days before the day of such viewing.
- (c) The appraisers named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the appellant will sustain by reason of being deprived of any property. Thereupon and without delay the appraisers shall make return in writing of their determination to the Court which shall cause the return to be delivered to the Secretary of Council and such return shall be final and conclusive. The Superior Court shall have power to fill any vacancy among the appraisers. After the amount of damages has been determined by the appraisers, the Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained or may deposit the same to his or her credit in any Bank in the Kent County to the credit of the person or persons entitled thereto within thirty (30) days, and thereupon the Council may carry into effect the plan contemplated in their resolutions. If the damages determined by the appraisers exceed the compensation awarded by Council or if Council decides not to take the land, the costs of the appeal shall be paid by the Treasurer of the Town out of Town monies, but if the damages do not exceed the compensation awarded by Council, the costs of the appeal shall be paid by the party appealing. The fees to the appraisers shall be set by the Court and shall be taxed as part of the costs. After the damages are determined by the appraisers, Council shall have the option of paying the damages assessed within thirty (30) days or upon the payment of the costs only, may abandon the proposed improvements.

- (d) Whenever the land or included in any street, or part thereof, is vacated or abandoned and is owned by the Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser thereof a good and sufficient title thereto for whatever estate the said Town may have therein.
- (e) The word "street" shall be deemed to include sidewalks, lanes and alleys for all the purposes of this Section.

Section 12. Paving, Guttering, Curbing

- (a) The Council shall have the power to pave or repave the sidewalks of the Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relayed, or new curbs or gutters, or both, constructed, or any part or portion thereof, in the Town. Prior to exercising this power, the Council shall adopt an ordinance or resolution stating that on a date and time certain the Council will meet to consider the question of paving or repaving the sidewalks or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, according to the stated specifications on a named street in front of the property of named owners, and of assessing the cost thereof against such owners. The ordinance or resolution shall be published at least one week prior to the meeting in a least one issue of a newspaper published in Kent County. The Council shall hold a meeting accordance with the ordinance or resolution and shall hear the owners of property and other residents of the Town on the questions referred to in the ordinance or resolution.
- (b) After such hearing, the Council, shall decide whether or not to proceed with the improvements referred to in the ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the cost of the improvements in front of the real property of the owner or owners named in the ordinance or resolution shall be borne by said owners. If Council shall determine that the whole or the specified proportion of the cost shall be borne by the owners, then and in such case the owners shall be compelled to pay the whole or the specified proportion of the cost be borne by the owners, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the sidewalk to be paved or repaved, or on the gutter to be repaired or laid, or on the curb to be repaired or constructed of any or all of the improvements, as the case may be.
- (c) When the paving or repaving, curbing or recurbing, guttering or reguttering, or any of all of them, have been done and the cost determined, Council shall ascertain the amount that the owner of each parcel of property shall pay and shall give written notice to such owner, or one of the co-owners, by mailing the same to his last known address. If any owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same may be collected by the sale of his real property. Such sale shall be conducted by the Sheriff of Kent County who shall advertise the parcel of real property for sale in at least two issues of a newspaper published in Kent County, before the day of sale and shall post three such notices in the Town at least ten days before the day of sale. Such advertisements shall give a description of the parcel to be sold, and shall state the day, hour and place in the Town at which the sale will be held.
- (d) Unless a sum of money, for the payment of which the said parcel is to be sold, together with the Sheriff's cost and the cost of advertisements of the sale, shall be paid prior to the sale, the real property shall be sold by the Sheriff of Kent County at public sale on the day and at the hour and place named in the advertisements for the sale to the highest and best bidder for the same.
- (e) Upon payment to the Sheriff of the price for which the property is sold at sale, a deed of the property shall be executed in the name of the Town of Kenton by the Mayor and attested by the Secretary of Council and bearing an imprint of the corporate seal of the Town of Kenton and delivered to the Purchaser. Such deed shall vest in the purchaser the same estate or interest in the property sold as the owner or owners of the parcel at the time of the sale had, subject to the same liens and encumbrances of record against the property at the date of the first appearance of the newspaper advertisement of its sale.

- (f) The money paid to the Town Treasurer by the Sheriff as the price of the property sold shall be distributed as follows:
- (g) The Town Treasurer shall first deduct the costs of sale which shall include the cost for the advertisements of the sale, the charges of an auctioneer, and all other expenses incident to the sale and also ten percentum (10%) of the amount that the owner of the property had failed to pay for the cost of the improvements, which ten percentum (10%) shall be paid to the Sheriff as his fee for the sale.
- (h) The Town Treasurer shall then deduct the amount that the owner of the property had failed to pay to the Town, and shall pay the same so deducted into the Town Treasury.
- (i) Any balance remaining shall be paid by the Town Treasurer to the person or persons who were the owners of the property sold or if this be not possible for any reason, he shall deposit said balance to their credit in any bank in Kent County.
- (j) The word "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinance or resolution first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.
- (k) The deed of the property shall recite briefly the amount that the owner had failed to pay to the Town, the advertisements and notice of sale, the holding the sale, the amount of the successful bid, and the amount of costs of the sale.
- (l) Council shall have power and authority to pave, repave, gutter or regutter, curb, or recurb, or any or all of such improvements, in the Town at the entire expense of the Town and may use Town money for such purposes, whenever it deems it wise so to do, and in such event no notice to property owners or others shall be required, provided, however, that where the entire cost is to be paid by the Town, the Council shall adopt a resolution authorizing such improvements and particularly stating the specific reasons the Town is to bear the entire cost thereof.

Section 13. Constructing, Paving And Repairing Of Streets

The Town Council of the Town of Kenton shall have full power and authority to regrade, redress and otherwise repair and rebuild all existing streets, lanes, alleys and other public thoroughfares in the Town of Kenton, to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares for public use in the Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Council shall deem expedient and may use different materials and different methods of construction on different streets or on different parts of the same street, as Council deems advisable. For the purpose of this Section, Council shall have full power and authority to expend general funds of the Town not otherwise appropriated.

Section 14. Water System

The Town Council is hereby vested with full power and authority to provide for the Town of Kenton an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping stations, water mains, fire hydrants, and all other instruments for the collection, storage, purification, conveyance and distribution of water on, over, under or through the lands of any person. The Council shall have the power and authority to make contracts for the purchase of water with any responsible persons, firms, or corporations and to distribute the same to users within or without the Town with the same full powers as if such water had been produced by the Town. The Council shall have power to enact ordinances, rules and regulations in regard to the use of public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any willful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private land, land, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed by Section 11 of this Act

for the opening and laying out of new streets, and the resolutions referred to in Section 11 shall be changed and modified to cover the cases contemplated by this present Section.

Section 15. Sewer System.

The Town Council is hereby vested with full power and authority 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, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any willful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at its option, furnish sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is an available sewer, to be connected with the sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee thereof, as provided in Section 12 of this Act. The Council shall have power to make contracts for the maintenance, operation, management and control of the Town's sewer system with any responsible persons, firms, or corporations.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 11 of this Act, for the opening and laying out of new streets, and the resolutions referred to in Section 11 shall be changed and modified to cover the cases contemplated by this present Section.

Section 16. Electric Current, Power Plan, Franchises

The Town Council of the Town of Kenton shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacture of electric current for the use of the inhabitants of the Town and for lighting of streets, squares, lanes, alleys and public buildings of the Town. The Council shall have power to make contracts for the purchase of electric current with any responsible persons, firms or corporations and to distribute the powers as if such electric current had been generated or manufactured by the said Town as herein expressly provided for by this Act. Council shall grant to all persons in the Town the privilege of using the electric current conveyed and distributed by the Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may deem just and proper and shall enact ordinances relating to electric current, its generation and distribution in Town and its general management and control as to Council shall from time to time seem most expedient. The Council may at its option transmit electric current from Town to places and properties outside of the Town limits upon such terms, charges and conditions as it shall deem wise.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to Council, to use the present and future streets, squares, alleys and lanes of the Town for purpose of furnishing electric power or current, gas or water, or any or all of them, to Town and to the persons, firms or corporations residing therein and for the purpose of transmitting electric power or current, gas and water, or any or all of them, through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to Council seem wise; and Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of electric power or current, gas or water or any or all of them, or for the furnishing of electric current either at wholesale or retail to Town and to persons, firms and corporations residing therein, or adjacent thereto.

The Council, by a majority vote, is hereby authorized and empowered in its discretion to sell and convey or lease to any responsible persons, firms, associations or corporations any or all real or personal property, or both, now or hereafter owned by the Town and used for generating or furnishing electric power, electric current, or water or any or all of them, and execute to the purchaser proper deed or bills of sale or other legal assurance of title for the same. Provided, however, that before Council sells or conveys any of

the real or personal property for any sum in excess of twenty-five thousand dollars now or hereafter owned by the Town and used for generating or furnishing electric power, water or electric current, or any or all of them a special election shall be held in the same place and in the same manner as other Town elections in the Town. Notice of the election shall be given by advertisements in a newspaper published in Kent County, at least ten days before the election, and by posting notices in a least three public places in the Town at least three days before the election, which advertisement and notices shall state the time and place of the election and a general description of the property proposed to be sold. At the election every taxable paying Town taxes in the Town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by said taxable according to the last assessment in Town. Residence shall not be a qualification to vote at said election.

Section 17. Drainage

The Town Council of the Town shall have the full jurisdiction and control within the limits of the Town of the drainage, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the Town, and may pass ordinances for the opening of gutters, drains, and sewers within Town and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the Town open, clean and unobstructed, and for that purpose may authorize the entry upon private lands, and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the Town and as prescribed by Section 11 of this Act for the opening and laying out of new streets. The resolutions referred to in said Section 11 shall be changed and modified to cover the cases contemplated by this present section.

Section 18. Obstructions, Nuisances And Unsanitary Conditions

The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary or unsafe conditions at any time existing whether in the streets, squares, lanes or alleys, or on the sidewalks or in any other public or private place within the Town either on its own inspection or upon the written complaint of any citizen of Town, stating the character and location of the obstruction, nuisance, unsanitary or unsafe condition, and signed by the citizen making the complaint. If a majority of Council, upon inspection, shall determine that such obstruction, nuisance, unsanitary or unsafe condition exists and ought to be removed or abated, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition, or to the person who is responsible for its existence or continuance, to remove or abate the same. If such person refuses or neglects for two days after such notice is received to remove or abate the stated condition, Council shall have power and authority to cause such obstruction, nuisance, unsanitary or unsafe condition to be removed or abated; and for this purpose Council may issue a warrant in the name of the Town of Kenton, under the name of its Mayor, or Vice-Mayor, and the seal of the Town, and directed to any peace officer or building inspector, commanding him forthwith to remove or abate such obstruction, nuisance, unsanitary or unsafe condition, whereupon the officer or inspector to whom said warrant is delivered shall forthwith proceed to remove or abate the same and for such purpose he shall have full power and authority to enter into and upon any lands and premises in the Town and to take with him such assistants, implements, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of the obstruction, nuisance, unsanitary or unsafe condition. The costs of all the necessary work, labor and proceedings of the Town in the removal or abatement of the obstruction, nuisance, unsanitary or unsafe condition shall be determined by Council upon the completion of the work, and if such amount is not paid to the Treasurer of the Town, by the person causing or responsible for such obstruction, nuisance, unsanitary or unsafe condition, within ten days after a bill stating the amount of such costs is presented to such person at his last known address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements of such person and it shall be the duty of Council to issue a warrant in the name of the Town of Kenton under the hand of the Mayor, and the seal of the Town, directed to a Justice of the Peace, commanding him that of the goods and chattels, lands and tenements of such person he shall cause to be levied and made the amount of such bill together with all costs. It shall be the duty of the Justice of the Peace as soon as convenient thereafter, and after ten days written notice to such person deposited in the mails and directed to such person at his last known address, and after

posting three or more notices of sale in at least three of the most public places in Town at least ten days before the day of sale, to first sell the goods and chattels of such person at public sale in Town, or so much as may be necessary to pay the amount of the bill with all costs. If no goods or chattels of such person or persons can be found in Town, or the goods and chattels found and sold are not sufficient to satisfy the amount of the bill with all costs, then it shall be the duty of the the Justice of the Peace, after further notice of ten days, given to said person or persons in the same manner, and after posting three or more notices of sale in at least three of the most public places in said Town, for at least ten days before the day of sale, and after causing the notice of sale to be published once in a newspaper published in Kent County, to sell the lands and tenements of such person, or so much thereof as may be sufficient to satisfy the amount of bill and all costs, and a deed from the Justice of the Peace shall be made and shall convey to the purchaser of such lands and tenements as full and complete title, in fee simple or lesser estate, as if the same were executed by the person or persons whose lands and tenements were sold. The claim for the expense of the Town in removing or abating such obstruction, nuisance, unsanitary or unsafe condition, and all costs, shall be a lien on the premises where such obstruction, nuisance, unsanitary or unsafe condition exists and shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance made by such person after the mailing of the notice. It shall be the duty of the Justice of the Peace out of the purchase money from the sale of goods and chattels, or lands and tenements, to pay all costs arising from the proceedings and sale to the parties entitled to such costs and to retain and pay to the Town Treasurer, for the use of the Town, the amount of the bill to the Town. The residue of said purchase money, if any, shall at once be deposited in a bank in Kent County to the credit of the owner of said goods and chattels, or lands and tenements. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the town, written notice deposited in the mail in a sealed envelope and addressed to such owner at his last known address shall be deemed proper notice. Council shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties as shall in the judgment of Council, be necessary and proper which shall be in addition to the expenses and costs of removal or abatement. For all the purposes of this Section, any property, whether a dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the Town, if such sewer connections are available for the property, shall be deemed to be in a unsanitary condition under the meaning of this Section, at the discretion of the Council.

Section 19. Police And Jail

(a) Police

The Council may establish a Police Department.

It shall be the duty of the Police Department of the Town of Kenton to execute warrants issued by the Justice of the Peace and to enforce all proper laws of the State of Delaware and all ordinances, resolutions and orders of the Town; to suppress all riotous, turbulent, disorderly, noisy or unauthorized or unlawful assemblages or gathering of persons in or about any streets, lanes, alleys or other public or private places in the Town; to prevent and disperse all gatherings which may interfere with the free and unmolested use of any street, lane, alley or other public place in Town and to do all such lawful things, which are in the scope of the usual authority of a town police department for the preservation of good order, and the protection of the persons and property of all inhabitants of the Town. The Chief of Police appointed by the Council of the Town and each member of the police force of Town, shall be vested with the same power and authority in all cases of breach of the peace or violation of any laws of the State of Delaware or of any ordinance of the Town of Kenton, to preserve order, protect the property of the Town of Kenton and in any lawful manner carry out their duties as police officers at or on any property now owned or hereafter acquired by the Town of Kenton as if such act or acts had taken place within the corporate limits of the Town of Kenton.

(b) Jail

The Town Council of the Town shall have full power and authority to build, acquire, improve and maintain in the town a suitable place as a jail and any Justice of the Peace, acting under the provisions of this Act, or carrying into execution any judgment or sentence pronounced under his authority, or the authority of any ordinance or resolution adopted by virtue of the powers herein conferred, may commit to said jail, for any time not exceeding five days, and for

want of such suitable jail, or, in the event it is deemed best for any reason in the discretion of the Justice of the Peace, to the Delaware Correctional Center near Smyrna. Council shall have power to pay and shall pay to the State of Delaware Department of Corrections or to such other person or body as is or may be hereafter named by law to receive the same such sums of money as is proper and lawful for the keeping of such Town of Kenton Prisoner in the Correctional Center.

Section 20. Contracts To Be Advertised

- (a) All contracts for street improvements, repairs, and extensions, for sewer repairs, extensions, and improvements, for repairs, improvements and extensions to the water system and electric lighting system, when the sum to be expended amounts to more than two thousand five hundred dollars (\$2,500) shall be let only to the lowest responsible bidder, upon and after competitive bidding has been asked by advertisements published at least once in a newspaper published in Kent County. Council shall have the right to reject any and all bids, for reasons which Council shall deem sufficient. Nothing in this Section or this Act shall require Council to submit to bidders nor to advertise any work or contract for labor or material, or both, desirable or necessary for the cleaning or maintenance of the sewer, water or electric systems or the streets of the Town.
- (b) The Town Council shall at all times comply with the Delaware Professional Services Negotiation Act (29 Del. C. Chapter 69, Subchapter II) as it may be amended from time to time.
- (c) Nothing in this Section shall require the Town Council to submit to bidders or advertise any work or contract for any legal services or for any other professional services not within the scope of the Delaware Professional Services Negotiation Act.

Section 21. Transitional Provisions; Separability;

- (a) Transitional Provisions

The Act entitled "An Act to Incorporate the Town of Kenton" passed at Dover, 18 Del. Laws 176, as amended, and the several Acts and parts of Acts therein and thereby repealed, all other Acts and parts of Acts inconsistent with or supplied by this Act are hereby repealed, and made null and void saving and excepting, however, from the effect of such repeal all Acts and the parts of Acts relative to the Town of Kenton, not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinances, resolutions, orders, and regulations of the Town of Kenton, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of Town. All Acts and doings of the Council of said Town, or of any officers of Town, lawfully done or performed under the provisions of any law of this State or of any ordinance of the Council of Town, are hereby ratified and confirmed. All debts, fines or penalties and forfeitures due to the Town of Kenton, and all debts due from the Town of Kenton to any person or to any firm, association or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. All powers conferred by law upon the Town Treasurer for the collection of taxes in the Town heretofore assessed and uncollected shall continue in full force and effect until all taxes shall be fully collected and paid, and the official bonds of Town Treasurer and of all other bonded officers and employees of Town, shall be unaffected and unimpaired by this repeal, and they and their sureties therein shall continue liable for any breaches of any conditions of the bonds. All proceedings heretofore commenced for the collection of any penalty, fine forfeiture or debt due to the Town, under any law or ordinance, shall not be affected or impaired by this repeal, but may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged. Those persons holding an elective office in the Town of Kenton shall continue in office, notwithstanding this repeal, until their successors are duly elected and qualified, and those persons holding an appointive office shall continue in office under the terms of this Act.

(68 Del. Laws, c. 324, 7/2/92)