

## Ocean View

### Article I - Incorporation Powers Generally

#### Section 1.101 - Incorporation: Body Corporate.

The inhabitants of the Town of Ocean View within the corporate legal limits legally established from time to time are hereby constituted and continued a body corporate by the name of "The Town of Ocean View" with all the privileges of a body corporate by that name to sue and be sued, to plead and be impleaded in any court of competent jurisdiction, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

#### Section 1.102 - Corporate Limits.

The courses and distances showing the exact Corporate limits of the Town shall be filed at all times with the Recorder of Deeds for Sussex County.

The limits and bounds of the Town of Ocean View, upon the date of adoption of this Charter, are hereby established and declared to be as follows:

Beginning at a point, said point being a spike set in the center of Route 26 at the intersection of Route 26 & Assawoman Canal right-of-way which is 150 feet wide; thence from said point of beginning, South 58 degrees, 36 minutes, 52 seconds West, 3458.40 feet to a corner monument; thence North 49 degrees, 05 minutes, 14 seconds West, 260 feet to a monument set on the southwest edge of Route 361; thence continuing North 49 degrees, 05 minutes, 14 seconds West, 2195.24 feet to a point, a corner of old town boundaries and 1974 annexation; thence with a new annexation line, South 22 degrees, 05 minutes, 37 seconds West, 196.85 feet to a point; thence South 39 degrees, 50 minutes, 37 seconds West, 1109.00 feet to a point, a corner for lands now or formerly of Charles Kauffman or now or formerly of I. Bennett; thence North 48 degrees, 09 minutes, 23 seconds West, 733.00 feet to a point; thence North 42 degrees, 20 minutes, 37 seconds East, 255.00 feet to a point; thence North 47 degrees, 39 minutes, 23 seconds West, 752.29 feet to a point, being the southeast edge of Route 84; thence continuing North 47 degrees, 39 minutes, 23 seconds West, 62.00 feet to a northwest edge of Route 84; thence following Route 84, the following six (6) courses and distances, South 60 degrees, 55 minutes, 36 seconds West, 249.52 feet to a point; thence South 49 degrees, 55 minutes, 36 seconds West, 361.12 feet to a point; thence South 45 degrees, 42 minutes, 16 seconds West, 545.90 feet to a point; thence South 49 degrees, 33 minutes, 16 seconds West, 225.00 feet to a point; thence South 62 degrees, 48 minutes, 16 seconds West, 222.40 feet to a point; thence South 70 degrees, 23 minutes, 14 seconds West, 245.20 feet to a point, being the northeast corner of lands now or formerly of H. Davidson; thence leaving Route 84 at a bearing North 72 degrees, 25 minutes, 53 seconds West, 862.69 feet to a point; thence North 19 degrees, 56 minutes, 16 seconds East, 2330.59 feet to a point, being a corner for lands now or formerly of M. Robertson, lands now or formerly of Middle Eastern Development Corp. and the town limits of Millville; thence South 68 degrees, 05 minutes, 28 seconds East, 2106.00 feet; thence North 39 degrees, 58 minutes, 42 seconds East 322.64 feet to a point; thence continuing North 39 degrees, 58 minutes, 42 seconds East, 1168.96 feet to a point, said point being a spike set in the centerline of Route 26 in front of Lord Baltimore School; thence following the easterly edge of Whites Creek in a northeast direction such a distance that will meet the edge of the right-of way of Assawoman Canal; thence following the westerly edge of the right-of-way of Assawoman Canal such a distance as will reach the point of beginning, be the contents thereof what they may.

Also, the territory hereinafter described is annexed into the Town limits of the Town of Ocean View. Said property is described as follows:

Beginning at an iron pipe located on the northeasterly right-of-way of County Road 361, said iron pipe being a corner for this parcel and lands now or formerly of Marie Cullen; thence South 81 degrees 30 minutes 05 seconds East, by and with the lands now or formerly of Marie Cullen and lands now or formerly of Brice J. Butler, Jr., et ux., through an iron pipe at 405.88

feet, a distance of 797.05 feet to an iron pipe; thence North 08 degrees 31 minutes 06 seconds East, by and with lands now or formerly of Brice J. Butler, Jr., et ux., and lands now or formerly of Regina A. O'Rourke, through an iron pipe at 560.0 feet, a distance of 570.13 feet to a point; thence North 78 degrees 48 minutes 50 seconds East, by and with lands now or formerly of Robert E. Reeping, et ux., and the center of a ditch, a distance of 30.00 feet to a point; thence North 75 degrees 01 minutes 59 seconds East a distance of 187.56 feet to a point for corner; thence North 61 degrees 30 minutes 55 seconds East a distance of 50.55 feet to a point for corner; then North 40 degrees 08 minutes 13 seconds East a distance of 159.09 feet to a point for corner; thence North 53 degrees 28 minutes 27 seconds East a distance of 36.23 feet to a point for corner; thence South 44 degrees 00 minutes 07 seconds East by and with Savannahs Landing Subdivision, and the center of a ditch, a distance of 419.84 feet to a point; thence South 43 degrees 13 minutes 55 seconds East, by and with Ocean Way Estates Subdivision, and a ditch, a distance of 582.59 feet to a concrete marker; thence South 23 degrees 07 minutes 52 seconds West, by and with Ocean Way Estates Subdivision, a distance of 1032.39 feet to an iron pipe; thence North 53 degrees 20 minutes 23 seconds West, by and with lands now or formerly of Peter Fowler, et ux., a distance of 154.45 feet to appear; thence North 53 degrees 19 minutes 23 seconds West, by and with lands now or formerly of Timothy S. Elder, a distance of 225.65 feet to a point; thence North 74 degrees 37 minutes 50 seconds West a distance of 147.58 feet to a point for corner; thence South 16 degrees 29 minute 58 seconds East a distance of 95.11 feet to a point for corner; thence South 05 degrees 47 minutes 14 seconds West a distance of 92.29 feet to a point for corner; thence South 70 degrees 07 minutes 47 seconds West a distance of 74.96 feet to a point for corner; thence North 82 degrees 02 minutes 13 seconds West, by and with the northerly side of a 50 foot right-of-way, a distance of 149.31 feet to an iron pipe; thence North 28 degrees 58 minutes 42 seconds West a distance of 82.77 feet to an iron pipe for corner; thence South 79 degrees 52 minutes 21 seconds West a distance of 413.96 feet to a point for corner; thence along a curve to the right having a radius of 25.00 feet, a central angle of 61 degrees 32 minutes 47 seconds, an arc length of 26.85 feet, and a chord which bears North 69 degrees 22 minutes 01 seconds West to an iron pipe; thence North 11 degrees 01 minutes 32 seconds West, by and with the northeasterly right-of-way of County Road 361, a distance of 43.35 feet to a point; thence North 11 degrees 01 minutes 32 seconds West a distance of 43.35 feet to a point for corner; thence North 13 degrees 15 minutes 24 seconds West a distance of 56.56 feet to a point for corner; thence North 16 degrees 15 minutes 50 seconds West a distance of 59.57 feet to a point for corner; thence North 19 degrees 10 minutes 32 seconds West a distance of 62.82 feet to a point for corner; thence North 22 degrees 32 minutes 10 seconds West a distance of 53.36 feet to a point for corner; thence North 25 degrees 56 minutes 35 seconds West a distance of 58.71 feet to a point for corner; thence North 27 degrees 34 minutes 28 seconds West a distance of 57.35 feet to a point for corner; thence North 28 degrees 24 minutes 32 seconds West a distance of 56.15 feet to a point for corner; thence North 28 degrees 58 minutes 22 seconds West a distance of 402.62 feet to a point for corner; thence North 27 degrees 50 minutes 13 seconds West a distance of 39.56 feet to a point for corner; thence North 26 degrees 23 minutes 48 seconds West a distance of 53.13 feet to a point for corner; thence North 23 degrees 55 minutes 55 seconds West a distance of 53.35 feet to a point for corner; thence North 21 degrees 43 minutes 37 seconds West a distance of 22.97 feet to the Point of Beginning, said parcel contains 40.62 acres of land, being the same more or less.

The limits and bounds of the Town of Ocean View are further extended to include the following:

Beginning at a concrete monument found at a point formed by the intersection of the northerly right-of-way line of County Road 84, 60' wide, with the southwesterly line of a plot entitled "Villagers, Inc. Final Lot and Road Plan", as recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Plot Book 8, Page 621, thence running, by and with said northerly right-of-way line of County Road 84 the following three (3) courses, North 85 degrees 54 minutes 57 seconds East 245.40 feet to a point of curvature, thence running, by and with the arc of a circle, deflecting to the left, having an arc length of 448.42 feet, a radius of 966.40 feet and a chord bearing and distance of North 71 degrees 42 minutes

08 seconds East 444.41 feet to a point of tangency, thence running, North 61 degrees 15 minutes 57 seconds East 280.73 feet to a point opposite the westerly line of the lands of, now or formerly, Frank E. and Lois J. Lathbury as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 2054, Page 227, thence running, crossing said County Road 84 and running by and with said lands of, now or formerly, Frank E. and Lois J. Lathbury, the following four (4) courses, South 32 degrees 35 minutes 00 seconds East 801.00 feet to a point, thence running, South 28 degrees 23 minutes, 22 seconds West 985.59 feet to an iron pipe found, thence running, South 53 degrees 47 minutes 55 seconds East 73.08 feet to a point, thence running, South 18 degrees 45 minutes 09 seconds West 125.45 feet to a concrete monument found on the northerly line of the lands of, now or formerly, C.F.L. Enterprises, Inc. as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 1111, Page 8, thence running, by and with said lands of, now or formerly, C.F.L. Enterprises, Inc. the following eight (8) courses, South 18 degrees 45 minutes 09 seconds West 961.12 feet to an iron rod with cap set, thence running South 25 degrees 26 minutes 39 seconds East 51.05 feet to an 18" oak tree, thence running South 28 degrees 42 minutes 03 seconds East 507.26 feet to an iron rod with cap found, thence running, South 35 degrees 38 minutes 49 seconds East 261.84 feet to a nail set in the base of a tree, thence running, South 48 degrees 39 minutes 55 seconds East 182.19 feet to an iron rod with cap found, thence running, South 52 degrees 31 minutes 38 seconds East 185.00 feet to an iron rod with cap found, thence running South 73 degrees 26 minutes 03 seconds East 45.54 feet to a point on the westerly line of lands of Shady Dell Park, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 9, Page 72, and Plot Book 8, Page 803, thence running, by and with said Shady Dell Park the following four (4) courses, South 65 degrees 41 minutes 25 seconds East 227.09 feet to a point, thence running, South 69 degrees 30 minutes 21 seconds East 538.04 feet to a point, thence running, South 04 degrees 25 minutes 49 seconds West 498.32 feet to a point, thence running, South 72 degrees 26 minutes 51 seconds West. 898.50 feet to an iron pipe found on the westerly line of the lands of, now or formerly, Mabel E. Layton, as recorded in the Office of the Recorder of Wills, in and for Sussex County and the State of Delaware, in Will Record Book 128, Page 310, thence running, by and with said lands of, now or formerly, Mabel E. Layton the following six (6) courses, South 74 degrees 40 minutes 12 seconds West 250.17 feet to a point, thence running, South 74 degrees 38 minutes 04 seconds West 468.27 feet to a point, thence running South 31 degrees 15 minutes 10 seconds East 214.30 feet to a point, thence running, South 33 degrees 29 minutes 08 seconds East 527.95 feet to a point, thence running, South 34 degrees 06 minutes 46 seconds East 284.13 feet to a point, thence running, South 51 degrees 11 minutes 55 seconds West 75.28 feet to a point on the northerly right-of-way line County Road #368, 50' wide, thence running, by and with said right-of-way line County Road #368 the following fifteen courses, South 72 degrees 04 minutes 27 seconds West 1107.80 feet to a point, thence running, South 73 degrees 20 minutes 24 seconds West 101.82 feet to a point, thence running, by and with the arc of a circle, deflecting to the right, having an arc length of 207.10 feet, a radius of 242.55 feet and a chord bearing and distance of North 82 degrees 12 minutes 07 seconds West 200.87 feet to a point of tangency, thence running, North 57 degrees 44 minutes 26 seconds West 110.92 feet to a point, thence running, North 55 degrees 33 minutes 05 seconds West 118.21 feet to a concrete monument found, thence running, North 55 degrees 29 minutes 19 seconds West 731.79 feet to a concrete monument found, thence running, North 55 degrees 33 minutes 01 seconds West 511.51 feet to a point, thence running, by and with the arc of a circle, deflecting to the right, having an arc length of 121.23 feet, a radius of 787.62 feet and a chord bearing and distance of North 51 degrees 09 minutes 05 seconds West 121.11 feet to a point of tangency, thence running, North 46 degrees 44 minutes 30 seconds West 345.71 feet to a point, thence running, North 46 degrees 44 minutes 30 seconds West 300.01 feet to an iron pipe with cap set, thence running, North 46 degrees 46 minutes 36 seconds West 27.10 feet to a point, thence running, North 46 degrees 33 minutes 29 seconds West 673.72 feet to an iron pipe found, thence running, by and with the arc of a circle, deflecting to the left, having an arc length of 325.94 feet, a radius of 4842.00 feet and a chord bearing and distance of North 49 degrees 23 minutes 51 seconds West 325.87 feet to a point of tangency, thence running, North 51 degrees 1.9 minutes 34 seconds

West 564.37 feet to a point, thence running, North 50 degrees 56 minutes 33 seconds West 677.36 feet to a point on the easterly right-of-way line of the aforementioned County Road #84, thence running, by and with said right-of-way line of County Road #84 the following nine (9) courses, North 44 degrees 41 minutes 50 seconds East 1321.75 feet to a point, thence running, By and with the arc of a circle, deflecting to the left, having an arc length of 353.22 feet a radius of 1002.00 feet and by a chord bearing and distance of North 34 degrees 35 minutes 18 seconds East 351.40 feet to a point of tangency, thence running, North 24 degrees 29 minutes 22 seconds East 757.88 feet to a point, thence running, By and with the arc of a circle, deflecting to the right, having an arc length of 339.62 feet, a radius of 568.00 feet and a chord bearing and distance of North 41 degrees 33 minutes 53 seconds East 335.62 feet to a point of tangency, thence running, North 58 degrees 44 minutes 54 seconds East 210.66 feet to a point, thence running, by and with the arc of a circle, deflecting to the left, having an arc length of 459.71 feet, a radius of 1907.23 feet and a chord bearing and distance of North 51 degrees 50 minutes 35 seconds East 458.60 feet to a point of tangency, thence running, North 44 degrees 56 minutes 17 seconds East 120.15 feet to a point, thence running, by and with the arc of a circle, deflecting to the right, having an arc length of 399.04 feet, a radius of 556.00 feet and a chord bearing and distance of North 65 degrees 29 minutes 54 seconds East 390.53 feet to a point of tangency, thence running, North 86 degrees 03 minutes 31 seconds East 902.98 feet to an iron rod with cap found, thence running, Crossing said County Road #84, North 04 degrees 09 minutes 14 seconds West 59.08 feet to a point on the northerly right-of-way line of said County Road #84, thence running, By and with said northerly right-of-way line of County Road 84, North 85 degrees, 54 minutes, 57 seconds East 323.47 feet to the point and place of beginning: CONTAINING 457 acres of land, more or less.

The limits and bounds of the Town of Ocean View are further extended to include the following:

Beginning at an iron pipe found at a point formed by the intersection of the easterly right-of-way line of Old School Lane, 50 feet wide, with the northerly line of the lands of, now or formerly, Grace Shaeffer Collins and John H. Collins, as recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Deed Book 2870, Page 263, thence,

- 1) Leaving said lands of Collins and running by and with said right-of-way line of Old School Lane, the following two (2) courses, North 32 degrees 51 minutes 51 seconds East 290.29 feet to a point, thence running,
- 2) North 34 degrees 53 minutes 59 seconds East 23.59 feet to a point on the southerly lines of the limits and bounds of Sussex County, thence,
- 3) Leaving said Old School Lane and running by and with said limits and bounds of Sussex County, South 65 degrees 52 minutes 14 seconds East 275.86 feet to a point on the northwesterly line of the limits and bounds of the Town of Ocean View, thence,
- 4) Leaving said limits and bounds of Sussex County and running by and with said limits and bounds of the Town of Ocean View, South 41 degrees 31 minutes 15 seconds West 386.02 feet to a point on the aforesaid northerly line of the lands of Collins, thence,
- 5) Leaving said limits and bounds of the Town of Ocean View and running by and with said lands of Collins, North 50 degrees 17 minutes 22 seconds West 216.95 feet to the point and place of beginning; containing 1.9455 acres of land, more or less.

The limits and bounds of the Town of Ocean View are further extended to include the following:

Any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor and any stream, river, canal, or other waterway to the centerline thereof that is contiguous with or adjacent to the limits and bounds of the Town; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be included in the limits and the bounds of the Town of Ocean View.

The Town of Ocean View's annexation of land pursuant to Article IV of this Charter shall not require amendment of this Article I.

## **Article II - Governmental Structure**

### **Section 2.1 - Town Officers**

#### Section 2.101 - Appointment and Removal of Town Manager.

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

#### Section 2.102 - Power and Duties of Town Manager.

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

Be the chief administrative officer of the Town, see that governing laws, regulations, and ordinances are faithfully executed and enforced.

Be the head of the administrative branch of the Town Government.

Appoint and remove all subordinate officers and employees of the Town in accordance with the rules and regulations of any merit system adopted by the Town.

Make an annual report and other reports to the Council and to the public from time to time on the condition of municipal affairs.

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

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

Sign contracts, bonds, or other instruments that require the assent of the Town.

Do such other things as the Council may require, or as may be required elsewhere in the Charter, by State law, or by ordinance.

#### Section 2.103 - Appointment and Removal of Chief Financial Officer

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

#### Section 2.104 - Powers and Duties of Chief Financial Officer.

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

Prepare an annual budget to be submitted to the Council.

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

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

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

Ascertain all taxable property within the Town is assessed for taxation.

Collect all taxes, special assessments, license fees, liens and all other revenues including utility revenues of the Town and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.

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

**Section 2.105 - Town Clerk.**

There shall be a Town Clerk appointed by the Town Manager, which shall serve at the pleasure of the Town Manager. In addition to other duties proscribed by law, the Town Clerk may also act as an executive assistant to the Town Manager. The Town Council shall determine the compensation of the Town Clerk. The Town Manager may appoint or designate an acting Town Clerk if the Town Clerk's position is vacant or if the Town Clerk is unable to serve.

The Town Clerk shall not be a member of the Council. The Town Clerk, or a substitute person designated by the Town Manager to perform the Town Clerk's duties, shall attend all meetings of the Town Council, and shall, at the direction of the Town Manager, record all the proceedings thereof and shall prepare and maintain the minutes of meetings. The Town Clerk shall attest the Seal of the Town when authorized by the Council and shall perform such duties and have such other powers as may be prescribed by the Council or by ordinance.

**Section 2.1064 - Bond.**

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

**Section 2.2 - Mayor.**

**Section 2.201 - Election - Term of Office.**

The Mayor shall be elected as provided in this Charter and shall hold office for a term of three (3) years or until his or her successor is elected and sworn in office except as provided in Section 2.515. The newly elected Mayor shall take office on the fourth Tuesday in April following an election. No Mayor may serve for more than two (2) consecutive terms beginning with the April election following the adoption of this Charter. A one (1) term lapse must occur before seeking re-election to office after two (2) consecutive terms.

**Section 2.202 - Qualifications.**

The Mayor shall be at least eighteen (18) years of age; shall have resided in the Town for at least two (2) years immediately preceding the date of election and shall be a qualified registered voter (as defined by this Charter) to the Town of Ocean View. The Mayor shall maintain a permanent residence in the Town during his or her term of office.

**Section 2.203 – Compensation.**

The Mayor shall receive an annual compensation, which shall be established by ordinance. The Mayor's compensation shall not be increased during the term for which he or she was elected, except as provided below.

The Mayor's compensation shall be increased each year based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for January of each year shall be compared to the CPI for the previous December and the relative percentage increase shall be calculated. The compensation increment shall be one hundred percent (100%) of the relative percentage increase. No decrease in the prior year's compensation shall be allowed, so if there is no CPI increase, the prior year's compensation shall continue in effect until the following December. The effective date of the increase will be the first (1st) of January.

**Section 2.204 - Powers, Duties, and Removal.**

The Mayor shall be recognized as the head of the Town government for all ceremonial purposes, by the courts for serving civil processes, and by the governor for the purpose of military and emergency law. The Mayor shall have such other powers and perform such other duties as may be prescribed in this Charter or required of him by the Council, if not inconsistent with this Charter.

The Mayor may be removed from office after a public hearing by a four-fifths (4/5ths) vote of all members of Council only if the Council finds that the Mayor: (a) lacks, at any time during his/

her term of office, any qualification for his/her office prescribed by this Charter or by law; Charter or (b) is convicted of a felony or any crime involving moral turpitude.

## **Section 2.3 - The Council.**

### Section 2.301 - Composition, Election and Terms of Office.

All legislative powers of the Town shall be vested in a Council consisting of a Mayor and four (4) Council Members. Such members shall be elected as provided in this Charter and shall hold office for a term of three (3) years or until Council Members elected to succeed them are sworn into office. Except as provided in Section 2.515, newly elected Council Members shall take office on the fourth Tuesday of April following an election. No Council Member may serve for more than two (2) consecutive terms beginning with the April election following the adoption of this Charter. A one (1) term lapse must occur before seeking re-election to office after two (2) consecutive terms.

### Section 2.302 - Qualifications of Council Members.

Each Council Member shall be at least eighteen (18) years of age; shall have resided in the Town for at least one (1) year immediately preceding the date of election; and shall be a qualified registered voter (as defined by this Charter) in the Town of Ocean View. Each Council Member shall be a resident of the Council district that the candidate seeks to represent at the time of filing for candidacy and during the full term of office.

### Section 2.303 – Compensation.

The Council Members shall receive an annual compensation, which shall be established by ordinance. Council Members' compensation shall not be increased during the term for which they are elected except as provided below.

The compensation shall be increased each year based on the Consumer Price Index (CPI) published by the U.S. Department of Labor. The CPI for December of each year shall be compared to the CPI for the previous December and the relative percentage increase shall be calculated. The compensation shall be 100% of the relative percentage increase. No decrease in prior year's compensation shall be allowed so, if there is no CPI increase, the prior year's compensation shall continue in effect until the following January. The effective date of the increase will be the first of January.

### Section 2.304 - Meetings and Procedures.

The Council shall have an organizational meeting on the fourth Tuesday following the election. At that meeting, the Council shall establish regular meeting dates and times. Regular meetings shall not be less frequent than one (1) each month. A notice shall be published at least once in a newspaper of general circulation in the Town stating the date, time and place of regular meetings and shall otherwise comply with the requirements of the Delaware Freedom of Information Act (Title 29, Chapter 100 of the Delaware Code as amended). Special meetings shall be called by the Town Manager upon the request of the Mayor or a majority of the members of the Council. Except as provided otherwise in the Charter and/or by State law, all meetings shall be open to the public. The Council shall determine its own rules and order of business. The rules of the Council shall provide a reasonable opportunity for Town residents to address the Council at regular and special meetings of the Council. It shall keep minutes of its proceedings, including a record of votes on final action or any questions or ordinance and any other actions if requested by any one (1) member. The minutes shall be open to the public during normal business hours at Melson Administrative and Public Safety Building.

The Council may meet in executive session or adjourn an open session to an executive session for the purposes as may be provided for by State law and/or by ordinance.

### Section 2.305 - Council to be Judge of Qualifications of its Members and Removal.

The Council shall be the judge of the election and of the qualifications contained in Sections 2.202 and 2.302 of its members. Any member of Council may be removed from office after a public hearing by a 4/5ths majority vote of all members of Council only if the Council finds that a Council Member: (a) lacks, at any time during his/her term of office, any qualification for his/her office prescribed by this Charter or by law; Charter or (b) is convicted of a felony or any crime involving moral turpitude.

Section 2.306 - Presiding Officer.

The Mayor shall serve as the presiding officer of the Council. The Mayor may take part in all discussions and may vote on all matters coming before the Council. At the first Council meeting following an election, the Council shall elect a Mayor Pro Tem to serve as the presiding officer in the absence of the Mayor. The term of the Mayor Pro Tem shall be until the next regular Town election. In the event of the resignation of the Mayor Pro Tem or if the Mayor Pro Tem becomes Mayor as provided for in Section 2.515 of this Charter, the Council shall elect a new Mayor Pro Tem at its next Council meeting to serve the balance of the term.

Section 2.307 – Quorum.

A majority of all members elected to the Council shall constitute a quorum for the transaction of business but no ordinance shall be approved without the favorable recorded votes of a majority of all members of Council.

Section 2.308 – Vacancies.

Vacancies on the Council shall be filled as provided in Section 2.515 of this Charter.

Section 2. 309 - Procedure for Enacting Ordinances.

(A) Introduction and Required Readings

Introduction. Every proposed ordinance shall be introduced in writing in a form to be prescribed by the Town Council. Each such ordinance, except the annual budget ordinance and general modifications and revisions of ordinances, shall contain not more than one (1) subject, which shall be clearly and adequately expressed in its title. This process shall not apply to zoning ordinances.

Readings. Upon the introduction of a proposed ordinance, it shall be read at two (2) consecutive regular meetings of the Town Council. Each such reading at a regular Town Council meeting shall be a public hearing on the proposed ordinance. Readings by title only shall be sufficient. No proposed ordinance may be acted upon until the completion of the foregoing.

No ordinance shall be passed at a meeting at which it is introduced. At any regular or special Council meeting held not less than fourteen (14) or more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed as amended, rejected or its consideration defined to some specific future date. In cases of emergency affecting life, health, property or the public good, the waiting period requirement may be suspended by unanimous vote of the members of the Council who are present.

Except as set forth in Sections 3.115(A) 1 and 4.102(C), every ordinance shall become effective following its passage.

(B) The Town Council may upon a four-fifths (4/5ths) vote of all members of Council provide an emergency ordinance to take effect upon passage. A summary of every ordinance excepting emergency ordinances shall be published at least once prior to the date of passage in a newspaper having general circulation in the Town. A summary of every ordinance including emergency ordinances shall be published at least once within ten (10) days after passage in a newspaper having general circulation in the Town.

The budget ordinance will be enacted as stated in Section 3.104 of this Charter.

Section 2.310 - Manner of Exercise.

The Council may enact all ordinances necessary to carry out the powers granted in this Charter. All powers of the Town shall be exercised in a manner prescribed by this Charter or, if the manner is not prescribed, in said manner as may be prescribed by ordinance.

Section 2.311 - Fixing Penalty for Breach of Ordinances.

To ensure compliance with the ordinances of the Town, the Council shall have the power to affix penalties for the breach of an ordinance. The Council may provide that a judgment or conviction for an offense shall not bar a subsequent enforcement procedure for a continuation of the same offense.

Section 2.312 - Public Records.



All public records shall be filed by the Town Manager and shall be kept available for public inspection during normal business hours in accordance with State law and the retention schedule established by the Town Manager.

## Section 2.313 - Council Powers.

### (A) General Powers

The government of the Town of Ocean View, as established herein, shall assume and have all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute. This grant of powers includes the power to adopt ordinances for the protection and preservation of town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

### (B) Construction

The powers of the Town of Ocean View shall be construed liberally in favor of the Town, and specific mention of particular powers shall not be construed as limiting in any way the general powers stated in this section.

### (C) Intergovernmental relations

The Town of Ocean View may exercise any of its powers or perform any of its functions and may participate in the exercise thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more municipalities, County or the State, or the agencies thereof of the United States or any agency thereof.

### (D) Exercise of Powers

All powers of the government of the Town of Ocean View shall be carried into execution as provided by the Charter or by other law of this State or as provided for by ordinance of the Town government of Ocean View.

### (E) Specific Powers

These specific powers include but are not limited to:

**Advertising:** to provide for advertising for Town purposes and for printing and publishing statements having to do with the business of the Town.

**Amusements:** to provide in the interest of the public welfare for licensing, regulating or restraining public amusements.

**Animals:** to regulate the keeping of animals, domestic or otherwise, and to provide for the licensing and taxing of them; to provide for disposition of homeless animals on which no license fee or taxes are paid, of vicious animals and of impounded, unclaimed animals.

**Appropriations:** to appropriate municipal funds for any lawful purpose.

**Audits:** to provide for the appointment of a Certified Public Accounting Firm to audit the books and accounts of all Town officers collecting, handling, or disbursing funds belonging to the Town.

**Billboards:** to license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town and placing of signs, bills and posters of every kind and description on any fence, post, billboard, pole or other place within the Town.

**Bonds:** to issue bonds for public works projects, for capital projects, and for litigation or appeal purposes as may be required from time to time.

**Building Regulations:** to make reasonable regulations concerning buildings and signs to be erected within the limits of the Town, formulating a building code and requirements for building permits.

**Cemeteries:** to regulate or prohibit the internment of human bodies within the Town and to regulate cemeteries.

**Codification of Ordinances:** to provide for the codification of all ordinances.

- Community Service:** to provide, maintain, and operate selected community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of Town residents.
- Cooperative Activities:** to make agreements with other municipalities, counties, districts, bureaus, agencies, commissions and governmental authorities for the joint performance of, or for cooperation in, the performance of any governmental functions.
- Curfew:** to prohibit the youth from being on the streets and public places at unreasonable hours of the night.
- Dangerous Improvements:** to compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties, conditional that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
- Delegate:** unless otherwise prohibited by law, delegate certain Town functions to third parties.
- Departments:** to create, change and abolish offices, departments or agencies other than offices, departments or agencies established by this Charter. These shall not include the power to discontinue or assign to any other office, department or agency any functions or duties assigned by this Charter to a particular office, department or agency.
- Elevators:** to require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous, or without a license.
- Environmental Control:** to regulate the use of the environment.
- Explosives, Combustibles and other Weapons:** to control the use and handling of dangerous and explosive materials and to prevent the firing of any firearms or other explosive instruments within the Town limits.
- Finances:** to levy, assess and collect taxes; to expend municipal funds for public purposes and to have general management and control of the finances of the Town.
- Fire:** to prevent and suppress fires and to establish and maintain fire department protection.
- Food:** to inspect and, if deemed unsafe, to require the condemnation of, and regulate the sale of, any food products.
- Franchises:** to grant and regulate franchises as provided by State law; to grant one (1) or more franchises for a community antenna system or other cable television system or telecommunication system that utilizes any public right-of-way, highway, street, road, land, alley or bridge; to grant any other franchises which may be deemed advantageous and beneficial to the Town; to impose franchise fees and to establish rates, rules and regulations for franchises granted under this Section. No franchise shall be granted for a period longer than fifty (50) years.
- Garbage and Trash:** to prevent the deposit of any unwholesome substance whether on private or public property and to compel its removal to designated points; to require dirt, garbage, trash, liquids, ashes, and other wastes or unwholesome materials be removed to designated points and to provide for the proper disposal of such material or require the occupants of the premises to place them conveniently for removal.
- Grants-In-Aid:** to accept gifts and grants of funds from Federal, State and County governments or their agencies or any bi-county agency; to expend the funds for any lawful purpose, according to the conditions under which the gifts or grants were made and to expend money necessary to the applications and qualifications of such grants.
- Hawkers:** to license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the

streets of the Town and to revoke such licenses for any action or threat of action by a licensee in the course of his or her occupation which causes or threatens harm or injury to inhabitants of the Town or to their welfare.

**Health:** to protect and preserve the health of the Town and its inhabitants; to appoint a public health officer and to define and regulate his or her powers and duties; to prevent the introduction of contagious diseases to the Town; to establish quarantine regulations; to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances and to inspect, regulate and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health.

**Inspections:** to authorize and require inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires, and any other utility, carrier or device, and drainage and sewage systems on private property, and to compel repairs if needed.

**Licenses and Permits:** to exercise the licensing authority granted in the business regulations article of the State code and other provisions of law, subject to the limitations of all State codes; to establish and collect reasonable fees and charges for all franchises, licenses or permits issued by the Town or associated with the exercise by the Town of any governmental or proprietary function.

**Liens:** to provide that any valid charges, taxes or assessments made against any real property by the Town, within the Town, shall be liens upon the property to be collected as municipal taxes are collected.

**Lights:** to provide for the lighting of the Town and to regulate private lighting to prevent it from becoming a nuisance or disturbing the privacy of other citizens.

**Minor Privileges:** to regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, railings, entrances, rocks, posted handbills and advertisements and display of goods, wares and merchandise.

**Noise:** to establish rules and regulations for the abatement of noise.

**Nuisances:** to prevent or abate by appropriate ordinance all nuisances in the Town which are so defined by common law, this Charter or by the laws of the State of Delaware, whether or not they are specifically listed in this Charter.

**Obstructions:** to remove all nuisances and obstructions from streets, lanes, alleys, and adjoining lots, or other places within the Town limits.

**Parking Facilities:** to license and regulate and to establish, obtain by purchase or lease or by rent, own, construct, operate and maintain lots for off street parking.

**Parking Meters:** to install parking meters on the streets and public places of the Town in such places as the Parks and Recreation: to establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of Town residents.

**Police:** to establish and maintain adequate police protection.

Provide for the purchase of materials, supplies and equipment through the State of Delaware agencies whenever desirable.

**Regulations:** to adopt by ordinance, and enforce within the corporate Town limits, police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Delaware or this Charter.

**Seal:** to make, have, use, and from time to time, alter a common seal.

**Special Elections:** to provide for special elections for municipal purposes, at such times and places as may be determined, subject to the provisions of this Charter.

**Zoning:** to exercise planning and zoning powers conferred upon municipal corporations generally or to the Town specifically.

Saving Clause

The enumeration of powers in this section shall not be construed as limiting the powers of the Town to the subjects mentioned.

**Section 2.4 - Town Solicitor.**

## Section 2.401 - Appointment and Duties.

The Town Council shall appoint an attorney who shall have the title of Town Solicitor. The Town Solicitor shall serve at the pleasure of the Town Council and shall be licensed to practice law in the State of Delaware. It shall be the duty of the Town Solicitor to give legal advice to the Council and Town Officers and to perform such other services as may be required by the Council.

**Section 2.5 - Registration, Nominations and Elections.**

## Section 2.501 - Qualifications of Voters.

Every person who is a citizen of the United States; is at least eighteen (18) years of age; has resided within the corporate limits of the Town for at least six (6) months prior to the next Town election; and is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote in any or all Town elections.

## Section 2.502 - Election District.

- (A) The Town of Ocean View is divided into four (4) geographic election districts for Town Council. The Council shall establish by ordinance the geographical area of the Council districts. The position of Mayor shall be elected at large.
- (B)
1. The Council will reevaluate and reestablish the boundaries of the Council districts, if necessary, to achieve substantial equality of representation as soon as practicable following the publication of each decennial census of the population of the United States.
  2. Any ordinance enacted by the Town of Ocean View for purposes of establishing the Council districts shall be effective forty-five (45) calendar days after enactment provided that said ordinance is not petitioned to referendum pursuant to paragraph C herein.
- (C)
1. Any ordinance relating to election districts shall be subject to referendum where a proper petition signed by thirty three percent (33%) of the eligible voters within the Town is filed with the Town Clerk within thirty (30) calendar days of the date of adoption of the ordinance.
  2. If a proper referendum petition is filed, the Town Council, by ordinance, shall set the time and date for submission of the petition to the voters of the Town. The Board of Elections shall conduct the referendum election in the same manner as regular Town elections.
- (D) The Council shall assign any geographical areas annexed into the corporate limits of the Town of Ocean View to the appropriate election district.

## Section 2.503 - Board of Elections Generally.

There shall be a Board of Elections, consisting of five (5) members and three (3) alternates, who shall be appointed by the Council at the first meeting in the month of May. The alternates shall be bound by all the applicable provisions of this Charter and shall attend all meetings of the Board and, if a member of the Board is absent or incapacitated for any reason, shall serve in that member's place until the absence or incapacity has ceased, having all the powers and authority, including the right to vote, and being subject to the duties imposed on a member of the Board. The terms of members of the Board of Elections and alternates shall begin in May of the year they are appointed and shall expire in May three (3) years following their appointment, but not until their successors have been appointed. Members of the Board of Elections and alternates shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairperson. Should a vacancy or vacancies occur on the Board of Elections, the Council shall fill the unexpired term(s). The Council shall determine the compensation of

the members of the Board and alternates. In addition to the qualifications set forth in this Charter, each member of the Board of Elections shall satisfy the requirements for office as set forth in Title 15 of the Delaware Code.

**Section 2.504 - Removal of Members.**

The Council may remove any members of the Board of Elections for good cause. Before removal, the member of the Board of Elections to be removed shall be given a written copy of charges against him or her, and shall have a public hearing on the charges before the Council if he or she so requests within ten (10) days after receiving the written copy of the charges against him or her.

**Section 2.505 – Duties.**

The Board of Elections shall be in charge of the registration of voters, nominations and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties, which may be employees of the Town.

**Section 2.506 - Notice of Elections.**

The Board of Elections shall give at least twenty (20) days notice, or in a timely manner as required by other sections of this Charter or Title 15 of the Delaware Code, of every election by an advertisement published in at least one (1) newspaper of general circulation in the Town, and posting a notice thereof in public places in the Town.

**Section 2.507 – Registration.**

The Town Council shall provide by ordinance for the registration of all eligible voters, and the establishment and maintenance of voters' registration lists, including the procedures to be used for the removal of any name from the voter list.

**Section 2.508 - Appeals from Decision of the Board of Elections.**

If any person shall feel aggrieved by the action of the Board of Elections in refusing to register, or in striking off the name of any person, or by any other action, such person may appeal pursuant to applicable procedures set forth in Title 15 of the Delaware Code.

**Section 2.509 - Nominating Procedure.**

Persons may be nominated for Town Council in the Town of Ocean View by the filing of a Certification of Intent and by the payment of a Fifty Dollar (\$50) filing fee with the Board of Elections at least thirty (30) days prior to the date of election and for Mayor at least forty-five (45) days prior to the date of election and by observance of such other requirements as may be imposed by the Council by ordinance. The Town Manager shall cause a Notice of Solicitation of Candidates to be conspicuously posted at least twenty (20) days in advance of the nomination date for Mayor or Town Council. The Certificate of Intent shall contain the following: the office which the candidate is seeking; the name and signature of the candidate; the election district in which the candidate resides. No person shall file for nomination for more than one (1) elective office or hold more than one (1) elective public office at any one (1) time.

**Section 2.510 - Conduct of Elections.**

All municipal elections in the Town of Ocean View shall be conducted on a non-partisan basis and no ballot shall carry any party affiliation. It shall be the Board of Elections responsibility to provide for each special and general election in a suitable place or places for voting and suitable voting machines. The voting machines shall show the name of each candidate nominated for elective office in accordance with the provision of the Charter. The Board shall keep the polls open to a time required by the Council. An election shall be held in the Town of Ocean View for Town Council on the second Saturday of April. Hours for the length of poll openings shall be set by the Town Council and announced in all advertisements required by this Charter.

**Section 2.511 - Absentee Voting.**

Any qualified voter may cast an absentee ballot if he or she qualifies and meets the conditions to submit an absentee ballot under Title 15 of the Delaware Code. Requests for absentee ballots must be completed and returned to the Melson Administrative and Public Safety Building by 12:00 Noon on the day prior to the election.

**Section 2.512 - Special Election.**

The Board of Elections shall conduct all special Town elections in the same manner and with the same personnel as far as practicable as regular Town elections.

**Section 2.513 - Counting Votes and Declaring Results.**

After the closing of the polls, the Board of Elections shall determine the vote cast for each candidate or issue and shall certify the results of the elections to the Town Manager for each candidate or issue. The Town Manager shall cause the results to be recorded in the minutes of the Council.

**Section 2.514 - Preservation of Non-Electronic Ballots.**

All non-electronic ballots and records used in any Town election shall be preserved for at least six (6) months from the date of election.

**Section 2.515 – Vacancies.**

(A) In case of a vacancy in the office of Mayor for any reason:

1. If the vacancy occurs less than one (1) year prior to the next election, the Mayor Pro Tem shall become Mayor until the next regular election and the vacancy in the Council created thereby shall be filled as provided hereinafter.
2. If the vacancy occurs more than one (1) year prior to the next election, the Council shall by ordinance, call a special election to be held not less than sixty (60) nor more than ninety (90) days following the occurrence or vacancy. The Mayor Pro Tem shall act as Mayor until the special election. The person elected at the special election shall serve as Mayor until the next regular election.

(B) In case of a vacancy on the Council for any reason:

1. If the vacancy occurs less than one (1) year prior to the next regular election, the Council shall appoint some person qualified in accordance with this Charter and who resides in the election district in which the vacancy occurred, to fill such vacancy until the next regular election.
2. If the vacancy occurs more than one (1) year from the next regular election, the Council shall by ordinance, call a special election to be held not less than sixty (60) days nor more than ninety (90) days following the occurrence or vacancy. The person elected at the special election shall serve for the remainder of the unexpired term of the vacant seat.

(C) Any vacancies on the Council to be filled by appointment shall be filled by the favorable votes of the majority of the remaining members of the Council. The results of any such vote shall be recorded in the Minutes of the Council.

(D) Notwithstanding the provisions of Section 2.201 relating to Mayor and to Section 2.301 relating to Council Members, in the event that a person shall be barred from seeking reelection to either office by reason of the term limitation and no other person shall file for election to fill such vacancy, the Town Council may appoint the incumbent to fill such vacancy until a person shall have been elected at the special election as set out above.

**Section 2.516 - Power of Council to Regulate Elections.**

The Council shall have the power to provide by ordinance, in every respect not covered by the provisions of the Charter or State law, for the conduct, registration, nomination, and Town elections. Also, the Council shall have the power to provide ordinances for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud.

**Section 2.517 - Violation of Election Laws.**

Unless otherwise provided by ordinance, violation of the election laws for the Town of Ocean View shall be punishable as provided for by the laws of the State of Delaware.

**Article III - Fiscal and Financial Affairs**

**Section 3.101 - Fiscal Year - Tax Year.**

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of May and end on the last day of April in the next succeeding calendar year. Such fiscal year shall constitute the budget year and the accounting year.

**Section 3.102 - Duty to Prepare Budget.**

The Town Manager and the Chief Financial Officer shall submit an operating budget to the Town Council not later than the fifteenth (15th) day of March each year. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed that total of the proposed expenditures. The budget and all other financial records of the Town shall be open to inspection by anyone during normal business hours.

**Section 3.103 - Capital Improvements Program.**

- (A) The Town Manager shall propose and submit to the Town Council a five (5) year Capital Improvements Program not later than the fifteenth (15th) day of March each year.
- (B) The Capital Improvements Program shall include:
  - 1. A clear summary of its content.
  - 2. A list of all capital improvements proposed to be undertaken during the next five (5) years.
  - 3. Cost estimates, finding sources and recommended time schedule for each of the capital projects.
- (C) The Capital Improvements Program shall be revised and extended each year as the then current portion is adopted as part of the operating budget.
- (D) The Town Council shall hold public hearings and by ordinance adopt the Capital Improvements Program, as submitted or amended, at the same time as the adoption of the operating budget.
- (E) The Town Manager and the Chief Financial Officer shall include in the proposed operating budget those capital projects adopted by the Town Council for the ensuing year.

**Section 3.104 - Adoption of Budget.**

Before adopting the fiscal year budget and Capital Improvements Program, the Town Council shall hold a public hearing thereon after fifteen (15) days notice thereof in one (1) or more newspapers of general circulation within the Town. The Town Council may insert new items or may increase or decrease the items in the fiscal year budget. Where the Town Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to such proposed expenditures. The fiscal year budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of all members elected to the Town Council shall be necessary for adoption.

**Section 3.105 – Appropriations.**

No public money may be expended without having the approval of the Town Council. From the effective date of the budget, the general amounts stated therein as proposed expenditures shall be and become appropriated for the same general objects and purposes named therein.

- (A) Supplemental Appropriations. If during the fiscal year the Town Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Town Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (B) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public good, the Town Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.309 (B) of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Town Council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (C) Reductions. If at any time during the fiscal year it shall appear to the Town Council that the revenues available will be insufficient to meet the amount appropriated, the Town Council shall then take such action, as it deems necessary to prevent or minimize any deficit and may by ordinance reduce one (1) or more appropriations.

(D) Limitations, Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations, and reduction or transfer of appropriations authorized by this Section, may be made effective immediately upon adoption.

Section 3.106 - Transfer of Funds.

Any transfer of funds between appropriations proposed by the Town Manager or Chief Financial Officer must be approved by the Town Council before becoming effective.

Section 3.107 - Expenditures in Excess of Appropriations.

No officer or employee shall during any fiscal year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for, or transferred to, that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing contained in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for any period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 3.108 - Lapse of Unexpended Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be carried into the subsequent fiscal year in the Town's cash balances.

Section 3.109 - Disposition of Fees Received by Town Officers and Employees.

All fees received by an officer or employee of the Town in his or her official capacity shall belong to the Town and shall be accounted for to the Town.

Section 3.110 - Power to Tax.

The Town Council shall determine and fix a rate of taxation based upon the most recent assessment after the budget [Section 3.104] has been adopted. The Town Council shall determine and fix a rate of taxation, which will produce approximately the amount of money necessary to defray the expenses of the Town for the current year, including interest on bonded indebtedness, for redemption of maturing bonds, and for maintenance of a sinking fund. The Town tax rate shall be stated in terms of a certain rate on every One Hundred Dollars (\$100) of assessed valuation.

Section 3.111 - Taxing Power.

The Town Council shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, to defray the expenses of the Town as determined pursuant to Section 3.110. The power to levy and collect taxes includes such amounts as are necessary to pay the principal and interest on general obligation bonds of the Town, for redemption of maturing bonds and for the maintenance of a building fund.

Section 3.112 – Revenues.

(A) Assessments

1. Assessments. In the manner provided by law, the Town shall value and assess all property liable to assessment every five (5) years. All property that has increased in value because of additions, new buildings and improvements shall be assessed annually. The Town shall also in the annual assessment revise the assessment with respect to all real estate which has been sold or transferred during the year and keep current the assessment valuation of all other assessable property within the Town. The Town shall notify property owners by letter when their assessment has changed.
2. Assessment List. The Town shall make a written record showing the property; name(s) of owner(s), arranged alphabetically; the value of the property; and the amount of each owner's assessment.



3. Public Inspection. The assessment list shall be completed not later than the fifteenth (15th) day of February of each year. The Town shall post a copy of the assessment list in the Melson Administrative and Public Safety Building for public inspection and advertise by publication the inspection hours.
4. Appeals and Corrections. Any taxpayer of the Town aggrieved by the assessment on his or her property shall notice the Town, in writing, within twenty (20) days after being notified by letter that the assessment has changed, or by means of the posting of the assessment list for that year. Thereafter, Town Council shall hear and determine the appeal, and, not later than the thirty-first (31st) day of March, certify the assessment roll in its final form.
5. Board of Assessment. The Town Council may, by ordinance, assign any or all of its power under this Section to a Board of Assessment which shall be chosen in such fashion, serve for such term, and have such duties as the Town Council may ordain.  
After the valuation, assessment and any revision thereof, all taxes so assessed shall be levied and raised in equal proportions and rates.

(B) Taxation of Real Estate Transfers

Transfer Tax. The Town Council of the Town of Ocean View shall levy, assess and collect, or provide for the levying, assessment and collection of such taxes as determined by ordinance.

Section 3.113 - Assessments When Due and Payable; Penalty for Late Payment.

All Town taxes shall be due and payable May first (1st). After the thirty-first (31st) of August in the year in which the taxes shall be due, a penalty of one and a half percent (1.5%) per month shall be added until the same shall have been paid. The Council shall have the power to make just allowance for delinquencies in the collection of taxes.

Section 3.114 - Tax Collection.

- (A) It shall be the duty of the Chief Financial Officer to proceed forthwith to collect all taxes in a fiscal year in which assessed and, in the collection of said taxes, the Chief Financial Officer shall have all the same powers conferred upon or vested in the Director of Finance for the Department of Finance of Sussex County.
- (B) The provisions of Title 25, Sections 2901 through 2905 of the Delaware Code Annotated, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes late and opposed under the provisions of this Charter.

Section 3.115 - Authority to Borrow Money and Issue Bonds.

- (A) The Town Council may borrow money, and issue bonds or certificates of indebtedness to secure the payment thereof, on the faith and credit of the Town of Ocean View, to provide funds to defray the cost or the share of the Town of the cost of any permanent municipal improvements or appeal bonds; provided, however, that the borrowing of the money therefore shall have been authorized by the Town Council and shall have been approved in the following manner:
  1. Council by ordinance shall be permitted to borrow for the cost of permanent municipal improvements or appeal bonds. The ordinance shall state the amount of the money desired to be borrowed; the purpose for which it is desired; the manner of securing the same; and other facts relating to the loan, which are deemed pertinent. Such ordinance shall be passed by the affirmative vote of a majority vote of all members of the Town Council. The proposed borrowing ordinance must follow the same procedures for approving any ordinance enacted by the Town Council. If the sum to be borrowed does not exceed one-half percent (0.5%) of the current total assessable tax base of the Town of Ocean View in current fiscal year, the ordinance becomes effective immediately.
  2. If the sum of money to be borrowed exceeds one-half percent (0.5%) of the current total assessable tax base of the Town of Ocean View, the ordinance shall not become operative until after a thirty-one (31) day waiting period to permit the filing of a petition for a Borrowing Referendum to be filed.
  - 3.

- a. If not less than thirty three percent (33%) of the qualified voters of the Town of Ocean View shall sign and deliver to the Town Manager a petition calling for a Borrowing Referendum any time within the thirty-one (31) day waiting period established above, the Town Council shall, within twenty (20) days, adopt a resolution proposing to the electors of the Town that an amount of money be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner or securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Town Council, and ordering a Borrowing Referendum to be held not less than thirty (30) nor more than ninety (90) days after the adoption of said resolution.
  - b. Notice of the date, time and place of holding of the said Borrowing Referendum shall be printed in two (2) issues of a newspaper having a general circulation in the Town of Ocean View within thirty (30) days prior to the date of said Borrowing Referendum.
  - c. At said referendum, every owner of property, whether an individual, partnership, corporation, or other entity, shall have one (1) vote and every person who is a bona fide resident of the Town, but not an owner of property within the municipal limits of the Town and who shall be entitled at the time of the Borrowing Referendum to register and vote in the annual general election if such were held on the day of the Borrowing Referendum shall have one (1) vote whether or not such person be registered to vote in the annual general election.
  - d. Any Borrowing Referendum shall be held pursuant to the provisions of this section shall be conducted by voting machines that shall have the ballot:  
[ ] For the proposed borrowing  
[ ] Against the proposed borrowing.  
The voter shall be instructed to mark the box for which he casts his vote.
  - e. In the event that an individual holds a power of attorney duly executed and acknowledged of another person or the resolution of the governing body of a partnership, corporation, or other entity, specifically authorizing the said individual to vote at the Borrowing Referendum, a duly authenticated copy of which has been filed in the Board of Elections, such individual shall be entitled to cast the vote of such person, partnership, corporation, or other entity.
  - f. Immediately upon the closing of the polling place, the Board of Elections shall count the ballots for and against the proposed borrowing and shall announce the results thereof and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and the number of void votes and shall deliver such certificate in duplicate to the Town Council. Said certificate shall be filed with the papers of the Town Council.
4. In the event that the Borrowing Referendum fails, no related ordinance shall again be considered for adoption for a period of at least six (6) months from the date of the Borrowing Referendum.
  5. If the Borrowing Referendum passes, the Town Council shall determine the form of indebtedness; the interest rate; the time or times of payment of interest; the classes; the time or times of maturity; provisions as to registration; any callable or redeemable provision; the denomination and name, and other relative or pertinent matters. The bond or bonds or certificate or certificates of indebtedness may be sold at either public or private sale. The Council shall provide in its budget, and in fixing the rate of tax, for the payment of interest and principal on said bonds at the maturity or maturities thereof, and may establish a sinking fund therefore. The full faith and credit of the Town of Ocean View shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value. There shall be no limitation upon the amount which may be raised

from the taxation of real estate for the payment of interest on, and the principal of, any bonded indebtedness whether hereinbefore or hereafter incurred.

6. The bonded indebtedness shall not at any time exceed in the aggregate the total sum of twenty-five (25%) percent of the assessable value of the real property situate within the limits of the Town as shown by the last assessment pending the creation of the said indebtedness.
- (B) The Town Council of the Town of Ocean View shall have full power and authority to anticipate revenue by borrowing upon the full faith and credit of the Town of Ocean View, when, in the opinion of the majority of the Town Council, the needs of the Town of Ocean View demand it. The Town Council may secure such sum or sums of money so borrowed by promissory notes of the Town executed by such officers as designated by Town Council, either with or without the corporate seal of the Town of Ocean View affixed, as is requested by the Bank or persons advancing the money on said notes. No officer or Council Member shall be personally liable for the payment of such note because it is signed by them as officers or Council Member of the Town of Ocean View, and said note is authorized by ordinance of the Town Council. And no part of the principal of or the interest on any borrowing authorized by this Section shall be taxable by the State of Delaware or any political subdivision thereof.
- (C) The Town Council may accept from any authorized agency of the State or Federal government, or from persons, firms, or corporations, grants, loans, or contributions, and enter into agreements with such agency respecting such loans or grants.
- (D) The Town Council shall not borrow money for its annual budgetary needs.

Section 3.116 - Independent Audit.

The Council shall provide for an independent audit of all Town accounts and may provide for more frequent audits, as it deems necessary. The person or persons selected to audit the accounts of the Town shall have no personal interest, direct or indirect, in the fiscal affairs of the Town or any of its officers. An annual audit of the financial records of the Town shall be made at the end of each fiscal year, the fiscal year being from May first (1st) of each year to April thirtieth (30th) of the following year.

**Article IV - Annexation**

Section 4.101. Annexation of Property Five (5) Acres or Less:

The Town Council shall have the authority to annex any territory containing five (5) acres or less contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code.

- A. Any property owner(s) holding record fee title to real property in territory five (5) acres or less contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.

- B. The Town Council shall introduce an ordinance proposing the annexation of such territory of five (5) acres or less contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.
- C. The Town Council, prior to adopting the annexation ordinance, shall require the Planning and Zoning Commission (the Commission) to prepare a report to the Town Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.
- D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council may then adopt the ordinance annexing such territory into the Town of Ocean View. Such ordinance shall be adopted by the affirmative vote of a majority of all members elected to the Town Council.
- E. If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the ordinance failed to receive the required affirmative vote.
- F. If the ordinance shall be adopted, annexation as provided therein shall become effective immediately after the certification of the Commissioners' vote. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the Mayor and certified by the Town Clerk, with the Town seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware, but in no event shall said recordation be completed more than ninety (90) days following the date of adoption. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

#### Section 4.102. Annexation of Property More Than Five (5) Acres.

The Town Council shall have the authority to annex any territory containing more than five (5) acres contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code

- A. Any property owner(s) holding record fee title to undeveloped or primarily developed real property in territory containing more than five (5) acres contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.

- B. The Town Council shall introduce an ordinance proposing the annexation of such territory of more than five (5) acres contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.
- C. The Town Council prior to adopting an annexation ordinance shall require the Planning and Zoning Commission (the Commission) to prepare a report to the Town Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.
- D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Ocean View may then pass the ordinance annexing such territory to the Town of Ocean View. Such ordinance shall be adopted by the affirmative vote of all members elected to the Town Council.
- E. The annexation ordinance shall not become effective until thirty-one (31) days after adoption. After the thirty-one (31) day waiting period and, if not contested, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The Failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.
- F. If the ordinance shall fail to receive the affirmative vote of a majority of all members elected the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the ordinance failed to receive the required affirmative vote.
- G. If not less than thirty-three percent (33%) of the qualified voters of the Town of Ocean View disagree with the decision of the Town Council, they may sign a petition calling for an Annexation Referendum (Special Election). The Annexation Referendum Petition shall be filed with the Town Clerk not later than thirty (30) days following the adoption of the annexation ordinance by the Town Council. Within twenty (20) days the Commissioners shall fix the date of the Annexation Referendum (Special Election) which shall be not less than thirty (30) nor more than ninety (90) days thereafter.
- H. At the Annexation Referendum, every qualified voter shall have one (1) vote. Immediately upon the closing of the polling place, the Election Board shall count the ballots for and against the proposed annexation and shall announce the results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and shall deliver the same to the Town Council. Said Certificate shall be filed with the papers of the Town Council.
- I. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted against the annexation, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one (1) year from the date of the Annexation Referendum (Special Election).
- J. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The failure to record the description or the plot within the specified time shall not make the

annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

Section 4.103 Annexation of Property with Less than Unanimous Petition of Property Owners.

The Town Council shall have the authority to annex any territory, without regard to size, contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code.

- A. If more than one-half (1/2) of property owners, but not all the property owners, resident in a territory contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days following the filing of such petition in the Melson Administrative and Public Safety Building, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.
- B. The Town Council shall introduce an ordinance proposing the annexation of such territory contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.
- C. The Town Council prior to adopting an annexation ordinance shall require the Planning and Zoning Commission to prepare a report to the Town Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.
- D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Ocean View may then pass the ordinance annexing such territory to the Town of Ocean View. Such ordinance shall be adopted by the majority vote of all members of the Town Council.
- E. The annexation ordinance shall not become effective until after the Annexation Referendum (Special Election) referred to hereinafter. The Council shall at the time of adoption fix the date of the Annexation Referendum which shall be not less than thirty (30) nor more than ninety (90) days thereafter.
- F. At the Annexation Referendum, every qualified voter shall have one (1) vote. Immediately upon the closing of the polling place, the Board of Elections shall count the ballots for and against the proposed annexation and shall announce the results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and shall deliver the same to the Town Council. Said Certificate shall be filed with the papers of the Town Council.
- G. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted against the annexation, no part of the territory proposed to be

annexed shall again be considered for annexation for a period of at least one (1) year from the date of the Annexation Referendum (Special Election).

- H. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

### **Article V - Personnel System**

#### Section 5.101 - Personnel System.

The Town Council shall establish a personnel system relating to all appointments and promotions of Town officers and employees and their compensation, pension, and such other benefits as the Town Council shall deem necessary and best. The Town Manager shall be responsible for administering the personnel system of the Town of Ocean View, and shall prepare such rules and regulations as are necessary to comply with this Charter. Appeal procedures for personnel decisions of the Town Manager may be established by the Town Council by ordinance.

### **Article VI - Contracts, Conflict of Interest and Financial Disclosure**

#### Section 6.101 - Contracts In General.

All purchases and contracts for Town government shall be made by the Town Manager. The Council may provide, by ordinance, for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts.

#### Section 6.102 - Bidding, Awards.

All expenditures for supplies, materials, equipment, construction and labor of public improvements or contractual services involving more than Seven Thousand Five Hundred Dollars (\$7,500) shall be by public competitive bidding. The Town Manager shall be required to advertise for bids, in the manner as may be prescribed by ordinance for all such public competitive bidding. If the Town Council shall determine not to adopt such an ordinance, the procurement of material and the provision of labor shall be governed by the laws of the State of Delaware applicable to State agencies. All such contracts shall be approved by the Council before becoming effective and shall be protected by such bonds, penalties and conditions as the Town may require.

All contracts involving professional services, such as accounting, architecture, auditing, engineering, law, planning and surveying, need not be on a bid basis but may be negotiated by the Town Manager or the Council. The Town Manager shall advertise the intention to negotiate for such professional services prior to making any contract in excess of Seven Thousand Five Hundred Dollars (\$7,500).

### **Article VII - Transitional Matters**

#### Section 7.101 - Status and Effect of this Act.

This Charter shall repeal "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware," that Act being Chapter 202, Volume 73, Laws of Delaware, together with all amendments thereto.

#### Section 7.102 - Separability.

If any article, section, provision or clause of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 7.103 - Validation; Continuance of Local Ordinances.

All powers conferred upon or vested in the Town of Ocean View or the Town Council by any Act or Law of the State of Delaware, not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the Town of Ocean View and/or the Town Council precisely as if each of said powers was expressly repeated in this Charter. All ordinances, adopted by the Town Council and in force at the time of the approval, acceptance and going into effect of this Charter, are continued in force until the same or any of them shall be repealed, modified or altered by the Town Council under the provisions of this Charter.

All the Acts, contracts entered into, and doings of the Town Council or of any official of the Town of Ocean View, which shall have been lawfully done or performed under the provisions of any Law of this State or of any ordinance of the Town Council, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

All taxes, assessments, license fees, penalties, fines and forfeitures due the Town Council or the Town of Ocean View shall be due the Town of Ocean View or the Town Council, and all debts due from the Town of Ocean View or Town Council shall remain unimpaired until paid by the Town of Ocean View or the Town Council.

All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by the Town Council.

The Bonds given by or on account of any official of the Town of Ocean View shall not be impaired or affected by the provisions of this Charter.

All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

This Charter may be reviewed at any time at the direction of the Town Council, but the Town Council shall fully review this Charter at a minimum of one (1) time in a ten (10) year period. Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

This Charter shall be taken as and deemed to be a Public Act of the State Delaware.

(73 Del. Laws, c. 3; 73 Del. Laws, c. 11; 73 Del. Laws, c. 202; 73 Del. Laws, c. 215; 74 Del. Laws, c. 25; 75 Del. Laws, c. 312, 6/27/06; 77 Del. Laws, c. 399)