

Charter Of The Town Of Woodside

Section 1. INCORPORATION

(1.1) Body Corporate

The inhabitants of the village of Woodside, within the limits and boundaries described in Section 2 of this Charter, as the same may from time to time hereafter be revised, are hereby constituted a municipal corporation and body politic in Law and in Equity by the corporate name of "The Town of Woodside", and under that name shall have perpetual succession.

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

(1.2) Powers

The Town of Woodside:

- (1.21) May have and use a corporate seal which may be altered, changed or renewed at pleasure.
- (1.22) May sue and be sued, plead and be impleaded, answer and defend in all courts of Law and Equity in the State of Delaware, or of the United States subject to such immunities as have heretofore, or may hereafter, be enacted or developed by statutory or common law pertaining to municipal corporations of this State, and their officers, employees, and agents.
- (1.23) May hold and acquire by gift, negotiation and purchase, devise or lease, property, both real (improved or unimproved) and personal, or mixed, within or without the boundaries of the Town, in fee or lesser estate or interest, necessary or desirable for any municipal or public purpose, including but not limited to, providing sites for constructing, improving, extending, altering, or demolishing-
 - (a) public buildings;
 - (b) parks;
 - (c) streets, squares, lanes, alleys, and sidewalks; and
 - (d) recreational facilities for the proper furnishing of adequate municipal services to the citizens of the Town.
- (1.24) May sell, grant, alien, lease, mortgage, manage, hold and control such property as the interests of the Town may require except as prohibited by the Constitution of the State of Delaware, or as restricted by this Charter.
- (1.25) May pay for the acquisition, construction, improvement, extension, alteration, or demolition of any municipal or public property, real, personal, or mixed, from the general funds of the Town and/or from the proceeds of any grant or loan made to the Town by any agency of the United States or of the State of Delaware, where the Town is lawfully empowered to obtain such grant or loan and where the proceeds of the grant or loan are for purposes lawfully authorized by this Charter or by the laws of the State of Delaware,
- (1.26) May enter into such contracts and agreements as are deemed necessary or in the best interests of the Town, provided the purposes of such contracts are otherwise lawful and authorized by this Charter, or the laws of the State of Delaware.
- (1.27) May pass ordinances and rules for the good government and good order of the Town and for all matters relating to the general health, safety, morals, peace, and welfare of the Town. By way of example and not in limitation, the Town shall have authority to adopt ordinances
 - (a) for the lighting and improvement of streets;
 - (b) for the paving or other improving of sidewalks;
 - (c) for the planting and protection of ornamental trees;
 - (d) to define, prevent, and abate nuisances;
 - (e) to define, investigate, prevent, abate, and remove fire and explosive hazards;

- (f) to construct, improve, extend, and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations;
 - (g) to regulate and control pedestrian, automobile and animal-drawn traffic over the streets, squares, lanes, alleys, sidewalks, and other public places in the town, (including the parking and non-parking of vehicles in the town); provided however, that such ordinances shall not conflict with any laws of the State of Delaware;
 - (h) to prevent, suppress, and regulate bonfires, the firing of firearms, air or spring guns, and the setting off or exploding of firecrackers, fireworks, torpedoes, or any other explosives;
 - (i) to prevent or regulate the keeping of animals within the Town and to prohibit the running-at-large of such animals;
 - (j) to prohibit gaming and fraudulent devices;
 - (k) to regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games;
 - (l) to require the removal of ice, snow, dirt or other foreign substances from sidewalks and gutters by owners or abutting owners,
 - (m) to prevent vice, drunkenness, and immorality;
 - (n) to provide for or regulate the numbering of houses and lots on the streets of the Town and the naming of public streets, alleys, and avenues;
 - (o) to exercise all powers and authorities vested in the Town by virtue of Chapter 3, Title 22 of the Delaware Code regarding the zoning and subdivision of lands as the same may, from time to time hereafter be amended;
 - (p) to define, abate, demolish, and remove dangerous buildings and other dangerous structures in the Town, including the power to condemn and cause to be torn down and removed any such structure which, upon inspection, is determined to be a fire hazard or otherwise be unsafe; provided however, that any such ordinance shall provide procedures for notice and opportunity to be heard and to correct the hazardous condition by the affected property owner and/or lienholders, and to otherwise comply with Chapter 39, Title 25 of the Delaware Code as it may from time to time hereafter be amended;
 - (q) to regulate solicitors, peddlers, traveling salesmen, hucksters, and hawkers;
 - (r) to license any responsible person, firm, association or corporation for such period of time and upon such terms, restrictions, stipulations, and conditions, and for such considerations as the Town Council shall deem in the best interests of the municipality to use the present and future streets, alleys, squares, parks, sidewalks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph or television from, through, or into the Town; provided however, that such ordinances shall be subordinate to any appropriate State or federal statute, and to any appropriate rule or regulation adopted by a State or federal agency acting pursuant to statute.
- (1.28) May make, adopt and establish all such ordinances, regulations, rules, and by-laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town; the protection and preservation of persons and property; and of the public health, safety, and welfare of the Town and its inhabitants.
- (1.29) May provide for the punishment of a violation of any ordinance of the Town by a fine not exceeding one hundred dollars (\$100.00).
- (1.3) Liberal Construction.
- (1.31) Liberal Construction.

The powers of the Town of Woodside under this Charter shall be liberally construed in favor of the Town of Woodside, and the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but are in addition to the powers enumerated herein. The Town shall have all powers implied hereby or necessary or appropriate to the exercise of its enumerated powers.

(1.32) Manner of Exercise.

All powers of the Town of Woodside, whether express or implied, shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, then in the manner provided by State law, by ordinance, or by resolution of the Town Council. The Town Council may, by resolution, do such other act or thing necessary, incidental to, or useful in connection with any of the matters in this Charter, duly authorized.

(1.4) Intergovernmental Cooperation.

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

SECTION 2. BOUNDARIES.

The boundaries of said corporation, hereinafter designated as the Town of Woodside, shall be as follows.

Beginning at a point in the middle of the road leading from Woodside to Magnolia, and five hundred feet east from the middle of an intersection of the State Highway, running three hundred and seventy-five feet north; thence, running in a westerly direction in a line parallel with the concrete or main road through Woodside, across the Delaware Railroad tracks and continuing to the middle of a public road, known as the Dickson Road, leading to the Woodside and Petersburg Road; thence, with the middle of said road southerly about three hundred and seventy-five feet to the middle of the road leading to Woodside from the east; thence, continuing by the said line in a southerly direction a distance of eleven hundred and fifty-five feet; thence, by a line parallel to the concrete or main road through Woodside, easterly, crossing the railroad south of the station as now located, and continuing to the middle of the State road; thence, continuing said line five hundred feet from the middle of the said State road in a northerly direction to the Point and place of beginning.

SECTION 3. MAYOR AND TOWN COUNCIL.

(3.1) Town Council.

The government of the Town, and the exercise of all powers conferred upon it by this Charter or by the laws of the State of Delaware shall be vested in a Town Council composed of a Mayor, Treasurer, Secretary, Tax Collector, and three "non-officer" Council members, all of whom shall be elected at-large by the qualified voters of the Town as is more fully hereinafter set forth.

(3.2) Qualifications for Office.

No person shall be eligible to run for any office or Council seat in the Town unless he or she is at least twenty-one years of age, and has been a bona fide domiciliary of the Town for at least six months prior to the day of the election. In addition, no person shall be eligible to run for any Town office or Council seat unless and until he shall have complied with such ordinances governing the nomination of candidates adopted by the Town Council, if any, provided however, that no such ordinance shall alter the qualifications for office as are set forth in this Charter. No person shall be eligible to run for more than one position on the Council at any election, and no member of Council whose term of office does not expire at the upcoming election may be a candidate for another position on Council in that election unless he first resigns from his existing position at least thirty days prior to the date of the election.

(3.3) Elections.

(3.31) Date, Place, Notice.

Town elections shall be held on the last Saturday in March of each year at the Town Hall or at such other convenient place within the Town limits as the Council shall establish by resolution. The Council shall advertise the place, date, and times of the election at least once a week for two successive weeks immediately prior to said election in a newspaper of general circulation in the Town of Woodside, and post public notices containing that information in at least three public places within the Town at least two weeks prior to the day of the election.

(3.32) Time, Voting Machines, Paper Ballots.

In any election where one or more offices or Council seats are contested, the polls shall remain open between the hours of 10:00 a.m. and 7:00 p.m., and the elections shall be conducted with the use of voting machines obtained from the Department of Elections of Kent County, or its successor. In any Town election where no contest exists as to any office or Council seat, the polls shall remain open at least between the hours of 6:00 p.m. and 7:00 p.m.; in uncontested elections the use of voting machines shall not be required, but all paper ballots shall be deposited into a Ballot Box by the officers conducting the election, and shall not be removed until the election is closed, at which time the ballots shall be removed and counted openly and publicly in the presence of such citizens of the municipality as may care to attend.

(3.33) Elections Board.

Every election shall be conducted by an Elections Board consisting of the Mayor, or any other qualified voter in the Mayor's absence, and two other citizens of the Town chosen by those legally qualified voters present at the opening of the polls.

The Election Board shall pass upon the qualifications of voters and conduct the election, keeping a list of all voters who vote. At the close of such election the Board shall canvass the votes, and the candidates having the highest number of votes for each office or Council seat shall be declared elected. Certificates shall be made out and delivered to the person or persons so elected, and the results of the election shall be noted on the records of the Town. In the event of a tie, the Elections Board shall, by majority vote, determine who is to be elected.

(3.34) Voter Qualifications.

Each person who, on the day of election:

- (a) is eighteen years of age or older; and
- (b) has been continuously domiciled in the Town for at least thirty days; and
- (c) has not been adjudged an idiot, insane, or incompetent person by a Court of competent jurisdiction; and
- (d) has not been convicted of a felony, nor been disenfranchised pursuant to Section 3 or Section 7, Article V of the Constitution of the State of Delaware; and
- (e) has properly registered to vote in elections of the Town of Woodside according to such ordinances, if any, adopted by the Town Council governing registration of such voters shall be entitled to vote in any regular or special election of the Town.

For purposes of this section (3.34) a person is "domiciled" in the Town when he physically resides within the corporate limits of the Town with the actual intent to make that residence his fixed and permanent home; provided however, any person who is enlisted or engaged in any government service of the United States or any military organization of this State or of the United States, which service requires him to reside outside the limits of the Town, shall be considered to be a domiciliary of the Town during the period of his service so long as it remains his actual intention to retain his Woodside residence as his fixed and permanent home. (3.35) Voter Registration.

The Town Council shall have the authority to enact such ordinances concerning the registration of qualified voters for municipal elections in the Town of Woodside as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.

(3.4) Term of Office, Forfeiture, Vacancies

(3.41) Terms.

The term of office of the Mayor shall be one year and the terms of all other officers shall be two years from the day after their respective elections and until their respective successors shall be duly elected and qualified; provided however, that in 1982, the three "non-officer" councilmembers shall be elected to serve for a term of only one year or until their successors are duly chosen and qualified. At every subsequent annual election, the successors to the officers and council members whose terms have expired shall be chosen to serve for a term of two years, with the exception of the Mayor whose term shall always be one year, the result being that the Treasurer, Secretary, and Tax Collector shall be elected in even numbered years and the non-officer council members shall be elected in odd-numbered years.

(3.42) Forfeiture of Office.

Any officer or council member shall forfeit his office when he:

- (a) lacks at any time during his term of office, any qualification required to be elected to that office, or
- (b) willfully violates any express prohibition of this Charter, or
- (c) is convicted of a crime classified as a felony under the laws of this State or of the United States, or of any crime involving moral turpitude, or
- (d) fails to attend three consecutive regular meetings of the Town Council without being excused by Council, or
- (e) is physically, mentally, or emotionally incapable of performing the functions of his office.

Determinations concerning forfeiture of office shall be made by the Town Council, but the affected party shall not have a vote in any such decision. Such deliberations may be had in executive session and if the Council determines by unanimous vote that a forfeiture has occurred, it shall, within twenty-four hours of that determination, provide the affected party with written notice of that fact, stating specific reasons in support thereof. The affected party shall have ten days, counting the day he receives such written notice as the first day, in which to make a written demand for a public hearing before the Town Council at which hearing he may appear with the assistance of Counsel. At such hearing, the Town Council shall state publicly the grounds and reasons for its determination and shall present such relevant evidence as it deems appropriate in support thereof. The affected party shall likewise be afforded an opportunity to present such relevant evidence as he deems appropriate in opposition thereto. Any persons testifying at such proceedings shall be sworn according to law and shall be subject to cross-examination. Strict rules of evidence shall not apply. If, at the conclusion of such hearing, the Council again determines by unanimous vote of the unaffected members that a forfeiture has occurred, that decision shall be final and conclusive.

Failure of the affected party to make a timely written demand for a public hearing before the Council, as hereinabove provided, shall be an absolute bar to his right to challenge the Councils decision in any court of competent jurisdiction.

During, or in connection with, any forfeiture proceedings, the Town Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence.

(3.43) Filling Vacancies.

In the event that the position of any elected officer or council member becomes vacant by reason of the death, resignation, or forfeiture of office by the person holding that position during his term of office, the remaining members of the Council shall themselves elect, by majority vote, another qualified person to serve until the next regular election at which time such vacancy shall be filled by election to serve the remainder of the term, if any there be.

(3.5) Compensation, Reimbursement.

(3.51) Compensation.

Each officer-member of the Town Council (ie. Mayor, Treasurer, Secretary, and Tax Collector) may receive the sum of \$25.00 for each regularly scheduled town council meeting attended. Each of the three non-officer council members may receive the sum of \$10.00 for each regularly scheduled meeting attended. These monies shall be paid from the general funds of the Town not less than every four months.

(3.52) Reimbursement.

By unanimous vote of those members present at any regularly-scheduled meeting of Council at which a quorum is present, any member of Council may be reimbursed for those actual, reasonable, and necessary expenses incurred by him in the performance of the business of the Town; provided however, that such business was duly authorized by motion, resolution or order of the Council. Any Council member requesting reimbursement shall present documented proof of such expenditures which documents shall be maintained by the Town Treasurer in a file set aside for that purpose.

(3.6) Prohibitions.

(3.61) Contracts with the Town.

It shall be unlawful for the Council or the Town's officers, agents, or employees, to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Woodside with any member of the Council or with any partnership in which any member of the Council is a partner, or with any corporation in which any member of the Council is a director or stockholder or with any firm or company in which any member of the Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract be absolutely null and void without such unanimous consent; provided however, that nothing herein shall prohibit the Council, the Town's officers, agents or employees, from entering into any such contract without such approval where the amount involved in the transaction and other related transactions does not exceed the sum of \$100.00.

(3.7) Officers.

(3.71) Oath of Office.

Before entering upon the duties of their office, the newly elected members of Council shall be sworn by a Notary Public, a Justice of the Peace, the hold-over Mayor, a hold-over member of Council, or any Judge of the State of Delaware, to faithfully and impartially perform the duties of their respective offices.

(3.72) Mayor.

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

(b) The Mayor shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance of Council.

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

(3.73) Secretary.

The duties of the Secretary shall be to keep a true and faithful record of all the proceedings of Council at all meetings; sign, with the Mayor, all warrants on the Treasurer

for the payment of any Town money; and to do and perform such other matters and things as may be prescribed by this Chapter, or by law, or which council may from time to time prescribe by resolution or ordinance.

(3.74) Treasurer.

The Treasurer, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council in a penal sum equal the 150% of the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his office and for the payment to his successor in office of an sums of money remaining in his hands upon settlement of his accounts, to which said bond and warrant there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Treasurer shall pay all orders drawn on him by order of the Council and signed by the Mayor and Secretary out of any monies in his hands belonging to the Town. He shall settle his accounts with the Town annually in the month of March and at such other times as the Council may, by Majority vote, require.

(3.75) Tax Collector.

The Tax Collector, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council in a penal sum equal to 150% of the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his office and for the settlement of his accounts with the Treasurer of the Town not later than the last day of each fiscal year, and oftener and at such other times as Council may require, to which bond and warrant there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Tax Collector shall be responsible for the collection of all Town taxes, interest, and penalties, and all other kinds of Town revenue and money from time to time due the Town. The Tax Collector shall pay all monies collected by him to the Town Treasurer not less than once every two months.

(3.8) Meetings.

(3.81) Regular meetings.

The Town Council shall meet regularly on the first Tuesday of the odd-numbered months of each year, provided that when any regularly scheduled meeting falls on a holiday, that meeting shall be held on the next business day

The regularly scheduled council meetings shall be held at the Town Hall in the Town at 7:30 p.m. unless the Council, by majority vote of those members present at a duly convened regular or special meeting of council at which a quorum is present, selects some other place or time; provided however, that no regularly scheduled council meeting shall be held outside the Town limits of the Town of Woodside.

(3.82) Special Meetings; Waiver of Notice

Special meetings shall be called by the Secretary upon the written request of the Mayor, or upon the written request of any two members of Council, stating the day, hour, and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the Mayor and to each member of Council of the day, hour, and place of such special meeting and of the subject and subjects proposed to be considered thereat. Such notice by the Secretary must be deposited in the U.S. mails at least forty-eight hours prior to the time set for such special meeting; provided however, that a written waiver of such notice, signed by the Mayor and all other members of Council prior to or immediately upon the convening of such special meeting shall make the forty-eight hour written notice unnecessary, and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any business referred to in the waiver, or the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Woodside shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at a regular meeting. In addition to

notifying the members of Council, the Secretary shall also, at least twenty-four hours before the time of such special meeting, give public notice thereof by posting a copy of the notice and proposed agenda at the Town Hall, and making a reasonable number of copies thereof available to the public upon request.

(3.83) Quorum; Adjournment for Lack of Quorum.

The presence of a majority of those members of the Council serving in office shall constitute a quorum for the transaction of any business of the Town at any regular or special meeting. They may adjourn from time to time and compel the attendance of absent members such in manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council.

(3.9) Powers of Council; Manner of Acting.

All powers of the Town shall be vested in the Town Council except as otherwise provided by law, and the Council shall provide for the exercise thereof and for performance of all duties and obligations imposed on the Town by law. All powers of Council, whether express or implied, shall be exercised in the manner prescribed by this Charter or if not prescribed herein, or otherwise by law, then in the manner provided by ordinance or resolution of Council.

No ordinance, resolution, motion, order, or other act of Council (except adjournment for lack of a quorum) shall be valid unless it receives the affirmative vote of a majority of all members serving on the Council: and except as otherwise provided by this Charter, the acts, doings, and determinations of a majority of the entire Council shall be as good as the acts, doings, and determinations of all the members of Council.

Section 4. TAXATION.

(4.1) Taxation; Limits.

The Town Council is authorized to levy and collect from the taxables of the Town according to the terms and provisions of this Charter, and of any other act not hereby repealed or made inconsistent hereby, such sum of money as may be deemed by Council necessary and proper for the general municipal needs of the Town, which sum of money shall in no year exceed a sum of money in excess of two percent of the total assessed value of all the real estate subject to taxation in the Town. The amount to be raised annually by taxation and the rate of taxation shall be fixed annually at the regular May meeting of the Council.

(4.2) Assessment.

The Tax Collector shall, in the month of July following the annual Town election, obtain from the records of the Kent County Board of Assessment at Dover, Delaware, a list of the taxable real estate within the limits of the Town, together with the names of the owners thereof, and of the assessment of such property by the County Board of Assessment.

The Tax Collector shall be authorized to add to such list any taxable real estate within the Town which may have been omitted from the County list, or where any property has undergone some significant change of condition since the County's last assessment. He shall have authority to make a true, just, and impartial assessment of such added or changed property and assess the same to the proper owners thereof.

In addition, the Tax Collector shall be authorized to add to said assessment list any and all charges, costs, or other assessments owed to the Town, including but not limited to curb and gutter assessments, sidewalk assessments and grass cutting charges. This list shall be the official assessment list of the Town.

(4.3) Appeals.

After preparing the assessment list as aforesaid, the Tax collector shall post a notice in three or more public places in the Town during the last half of the month of July, stating that the assessment list is available for inspection upon request. On the notice shall be a statement to the effect that the Town Council will sit at its regular meeting in August to hear appeals from said assessment. At such meeting, the Council shall have the power to add to or decrease only those assessments made by the Tax Collector himself (pertaining to property omitted from the County list or substantially changed since the County's assessment); otherwise the

Council shall be bound to accept the County's assessment. The Council may also make such determinations as it deems fit with regard to any charges, costs, or other assessments owed to the Town as shown on said list. No Council member shall sit to hear his own appeal.

(4.4) Levy; Other Charges and Assessments.

When the appeal day is past the Council shall, without delay, cause the assessment list to be transcribed. The transcribed list shall contain: the name and address of the taxable, the address of the property taxed, the assessed value of such property, the rate of tax per hundred dollars of assessed value, and the amount of taxes due. Such list or assessment shall also include any and all charges, costs, and other assessments owed to the Town as hereinabove described. Such transcript, signed by the Mayor and Secretary shall be delivered to the Tax Collector within seven days of appeal day who shall thereupon collect from each taxable his proportion of the tax laid and pay over to the Treasurer, not less than once every two months, all such monies coming into his hands. Not later than the third week in March of the following year, the Tax Collector shall settle all his accounts with the Town Treasurer.

(4.5) Collection and Tax Liens.

The Tax Collector shall immediately after receiving said list from the council proceed to collect the taxes as written and contained in said list. The Tax Collector, in collecting such taxes shall have all powers conferred by law on the Receiver of Taxes in Kent County by virtue of the laws of Delaware now in force or hereafter enacted. All taxes, charges, costs, and assessments levied on real estate under authority this Charter shall be and continue as a lien against the property assessed for a period of five years from the date prescribed herein for the delivery of the assessment list to the Town Tax Collector. Such lien may be extended in the same manner as provided by law for the extension of tax liens for Kent County taxes.

(4.6) Due Date, Penalty.

All taxes shall be due the Town as soon as the Assessment list has been delivered to the Tax Collector by the Town Council. After September 1st of each year, a penalty of 1 1/2% per month shall be added to all uncollected taxes until fully paid, which penalty shall also apply to any other charges, costs, or assessments shown on the assessment list.

(4.7) Exemptions.

(4.71) Discretionary.

The Town Council shall have the power and authority to exempt, by ordinance or resolution, such real property from the Town's property tax as, in the opinion of Council, will best promote the public welfare.

(4.72) Mandatory.

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

Section 5. FINANCES

(5.1) Use of Town Money.

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

No monies shall be paid out by the Treasurer except as directed by action of a majority of all members of Council.

(5.2) Debts.

The Town Council is authorized to create debts upon the Town and to borrow monies upon the faith and credit of the Town; provided however, that at no time shall the total amount of all such debts or loans exceed the amount of money which the Town is authorized to raise by taxation in that fiscal year, except where the debt or obligation is to be paid upon maturity by funds supplied as a grant to the Town by an agency of the State of Delaware or by an agency of the United States Government, and only if such debt or obligation is contingent upon actual receipt of such grant monies by the Town.

Any sum of money borrowed, or any debt incurred upon the Town, shall be repaid in full, with all interest and charges thereon, within a period not to exceed four years from the date incurred and shall be repaid at a rate of not less than 25% of the principal debt in each fiscal year.

Section 6. STREETS AND SIDEWALKS

(6.1) Streets, Authority to Locate.

The Town Council shall have superintendence of all roads and streets now opened, or hereafter to be opened, within the limits of the Town. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen and alter existing streets or parts thereof, and to vacate, close or abandon streets or parts thereof, whenever they shall deem it in the best interests of the Town.

(6.2) Procedure to Open, Alter, Close.

The procedure to open, widen, alter, vacate, close or abandon streets or parts thereof shall be as follows:

- (a) The Council shall adopt a resolution calling for a public hearing on the proposed action, which resolution shall provide a general description of the street or part thereof involved, indicating the action that is proposed; and stating the time, date, and place of a public hearing which shall be held not less than 10 days nor more than 20 days after the date of the adoption of such resolution, counting that day as the first day at which Council will sit to hear comments for and against said action, and shall receive evidence of any damages to be sustained by the owners of any property affected thereby. Within 24 hours of adopting said resolution, the Council shall cause a copy of said resolution shall be posted in three public places within the Town, one of which shall be on the lands affected, and shall cause a copy of said resolution to be mailed to the last known post office address of each property owner whose lands comprise all or part of the street involved or whose lands abut upon, are contiguous to, or which are accessible only by, along, or across the street or part thereof which is the subject of the resolution. In addition, the Council shall cause to be published a copy of said resolution in a newspaper of general circulation in the Town of Woodside at least 7 days prior to the day of said hearing.
- (b) At such public hearing, the Council shall hear any interested person wishing to speak on the proposed action, and shall hear such evidence as is presented concerning damages to be sustained by the owners of property affected by the proposed action. At the conclusion of such hearing, Council shall decide by majority vote of all those serving on the Council, whether or not to proceed with the proposed action. If the vote is to proceed, the Council shall then determine the amount of damages, if any, to be sustained by the properties affected thereby and direct payment thereof to the proper parties by the Town Treasurer from the general funds of the Town. In any case where the Town opens or widens a street, fee simple title to said lands, free and clear of all liens and encumbrances, shall vest in the Town of Woodside upon such payment; in any case where the Town vacates, closes, or abandons a street, fee simple title, free and clear of any and all public or private rights or easements of ingress, egress, travel or otherwise connected with that lands previous use or dedication as a street, shall be in the owner of record title.

If anyone who will be deprived of property under these proceedings be dissatisfied with the amount of compensation awarded by Council, he may within 10 days after the award appeal to the Superior Court of the State of Delaware, in and for Kent County which shall

appoint three impartial appraisers to determine and fix such damages and return their findings to the Court at a date and time fixed by the Court.

The said appraisers shall give notice of the day, hour, and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the affected property owner personally or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid. A copy of such notice shall also be served on the Secretary of Council or the Mayor at least five days before the day of such meeting.

The appraisers named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the affected property owner and his witnesses and the council and its witnesses, and shall without delay, determine and fix the damages, if any, which the affected property owner will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said appraisers shall make return in writing of their proceedings in the premises to the Superior Court which shall cause the return to be delivered to the Secretary of Council or Mayor and such return shall be final and conclusive. The amount of damages being ascertained as aforesaid, the Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or deposit the same to his or her credit in any Bank in Kent County, Delaware, within the said one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the appraisers appointed by the Court if the damages shall be increased or if Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands belonging to the Town; but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees to the appraisers shall be set by the Court and shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the appraisers as aforesaid, Council shall have the option of paying the damages assessed within the term aforesaid and proceed with the said improvements, or upon the payment of the costs only, may abandon the proposed improvements.

(6.3) Sidewalks and curbs.

The Council may pass ordinances governing the paving or improving of sidewalks and curbs in the Town. Such ordinances may set standards and specifications for such improvements and may require the owners of property fronting on such sidewalks or curbs to bear the expenses of such improvements; provided however, that such ordinances shall provide affected property owners notice and opportunity to be heard prior to the adoption of any resolution authorizing or requiring such improvements.

In the event an affected property owner fails to comply with such resolution within three months of its adoption, Council may authorize the materials and work to be done and collect the expense of same from the owner of the affected property in an action at law. When added to the Town's Assessment list as provided by S4.2 of this Charter, such expenses shall constitute a lien upon the affected property the same as if it were a lien for town taxes.

Section 7. CONTRACTS TO BE ADVERTISED.

All contracts for any services to be rendered to the Town for any materials to be purchased by the Town, or for any improvements or repairs to Town property where the amount of the Contract exceeds \$1,000, shall be let only after competitive bidding in response to advertisements published in a newspaper of general circulation in Kent County, Delaware at least three times during the 30 days immediately preceding the date set for the opening of the bids; provided however, that this requirement shall not apply to contracts for professional services not within the scope of the Delaware Professional Services Act (29 Del. C. Ch. 69, Subchapter II) as it may from time to time be amended.

The Council shall not be required to accept the lowest bidder but may, in its discretion, select the bidder which it determines to be best qualified and suited to serve the best interests of the Town.

Section 8. TRANSITIONAL PROVISIONS; SEPARABILITY.

(8.1) Transitional Provisions.

The Act entitled "An Act to Incorporate the Town of Woodside in Kent County, Delaware, passed at Dover, 26 **Del. Laws** 229, as amended, all other acts and parts of acts inconsistent with or supplied by this Act are hereby repealed, and made null and void, saving and excepting, however from the effect of such repeal all acts and the parts of acts relative to the Town of Woodside (formerly, "The Commissioners of Woodside"), not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinance resolutions, orders, and regulations of the Town of Woodside's predecessor, The Commissioners of Woodside, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. All acts and doings of the Council of said Town, or of any officers of said Town, lawfully done or performed under the provisions of any law of this State or of any ordinance of the Council of said Town, are hereby ratified and confirmed. All debts, fines or penalties and forfeitures due to said Town of Woodside and/or its predecessor "The Commissioners of Woodside" to any person or persons whomsoever or to any firm, association or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. All powers conferred by law upon the Tax Collector for the collection of all taxes in the said Town heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said Tax Collector and Treasurer and of all other bonded officers and employees of said Town, shall be unaffected and unimpaired by this repeal and they and their sureties therein shall continue liable for any breaches of any conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the Town of Woodside or its predecessor, "the Commissioners of Woodside" under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged. Those persons holding an elective office in the Town of Woodside formerly "the Commissioners of Woodside", shall continue in office notwithstanding this repeal until their successors are duly elected and qualified, and those persons holding an appointive office shall continue in office under the terms of this Act.

All rights, claims, actions, order, contracts, or legal or administrative proceedings shall continue as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with, by the Town department, office, or agency appropriate under this Charter.

(8.2) Severability.

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

Approved February 11, 1982.

(63 **Del. Laws**, c. 204, 2/11/82)