



SPONSOR: Sen. Booth & Rep. Briggs King & Rep. Kenton

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 223

AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN.

1 WHEREAS, it is deemed desirable that the Charter of the Town of Georgetown be consolidated into one complete
2 Act and in certain respects amended and revised.

3 NOW THEREFORE:

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all
5 members elected to each house thereof concurring therein):

6 Section 1. Amend the Charter of the Town of Georgetown by substituting in its entirety, to read as follows:

7 "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN:

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99 **PREAMBLE**

100 We the people of the Town of Georgetown, under the constitution and laws of the State of Delaware, in order to
101 secure the benefits of local self-government and to provide for an open, honest and accountable council-manager
102 government do hereby adopt this charter and confer upon the Town the following powers, subject to the following
103 restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits
104 of home rule and affirm the values of representative democracy, professional management, strong political leadership,
105 citizen participation, and regional cooperation.

106 **Article I**

107 **Incorporation, Territorial Limits, and Annexation**

108 **1.1 Incorporation**

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

113 **1.2 Territorial Limits**

114 The boundaries of the Town of Georgetown are hereby established and declared as recorded on the official map of
115 record in the Recorder of Deeds Office for Sussex County in the State of Delaware (official recorded copies to be kept by
116 the Town Clerk) as presently exists and as hereinafter amended.

117 In addition to the aforesaid, the Territorial Limits of the Town of Georgetown shall also include all land annexed
118 by the Town of Georgetown pursuant to Section 1.3 of this Charter. The Council may, at any time hereafter, cause a survey
119 and plot to be made of the Town, and the survey and plot, when made and approved by the Council, shall be recorded in the
120 offices of the Recorder of Deeds in and for Sussex County, State of Delaware, and the same, or the record thereof, or a duly
121 certified copy of said record shall be evidence in all courts of law and equity in this State.

122 **1.3 Annexation Of Territory**

123 The Town Council of the Town of Georgetown shall have the power to annex, by ordinance, any territory
124 contiguous to the Town of Georgetown whenever requested to do so by a majority of property owners of the area included
125 within the territory proposed to be annexed. Such ordinance shall: identify criteria for annexation petitions, outline
126 annexation procedures, requirements for special (referenda) elections, and ensure an adequate level of service (LOS) is
127 available for area requesting annexation.

128 **Article II**

129 **Powers of the Town – Mayor & Council**

130 **2.1 Code of Ethics**

131 The Town of Georgetown, in order to ensure fair, ethical and accountable local government, requires that all
132 public officials:

- 133 • Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- 134 • Be independent, impartial and fair in their judgment and actions.
- 135 • Use their public office for the public good, not for personal gain.
- 136 • Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and
137 civility.

138 To this end, The Town of Georgetown has adopted a Code of Ethics to encourage public confidence in the
139 integrity of local government and its fair and effective operation.

140 Annually, Town Council members shall sign an Affirmation of the Code of Ethics as prescribed by the Town of
141 Georgetown at the Council meeting in May each year when the Town Council elects the Secretary and Vice Mayor, as an
142 acknowledgement of each Council member's continuing commitment to abide by the principles of this Code.

143 **2.2 Duties Of The Mayor**

144 (a) The **Mayor** shall be a voting member of the Town Council and shall attend and preside at meetings of the
145 Town Council, represent the Town in intergovernmental relationships, appoint with the advice and consent of the Town
146 Council the members of citizen advisory boards and committees, appoint the members and officers of Town Council
147 committees, assign subject to the consent of Town Council agenda items to committees, and perform other duties specified
148 by the Town Council. The **Mayor** shall be recognized as head of the Town government for all ceremonial purposes and by
149 the Governor for purposes of military law but shall have no administrative duties.

150 (b) The **Mayor** may, for any reasonable cause, by and with the consent and upon the address of a majority of all
151 the members of the Town Council, remove from office any person appointed by him/her or any of his/her predecessors. The
152 person against whom the Council may be about to proceed shall receive five (5) calendar days written notice thereof,
153 accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a
154 request is received by the **Mayor** by certified mail with return receipt requested within ten (10) calendar days following the
155 date that notice or removal is received by such person.

156 (c) It shall be the duty of the Vice **Mayor** of the Town Council, in the absence of or inability of the **Mayor** to act,
157 to preside at all meetings of the Town Council in the event of absence of the **Mayor** and perform such other duties and to
158 have such other powers of the **Mayor** as are prescribed by the Charter of the Town of Georgetown or by any ordinance of
159 the Town Council.

160 **2.3 Secretary of the Town Council**

161 (a) The Secretary shall have charge and oversight of books, journals, records, papers and other effects of the Town
162 and shall keep the same in a safe and secure place. The Secretary shall keep a full and complete record of all the
163 transactions in the Town of Georgetown. The Secretary shall file and keep in a safe place the seal of the Town of
164 Georgetown and all papers and documents arising out of the proceedings of the Town Council relative to the affairs of the
165 Town. The Secretary shall deliver the same to his/her successor in office. The Secretary shall attest the seal of the Town of
166 Georgetown when authorized by the Town Council and shall perform such other duties and have such other powers as may
167 be prescribed by ordinance.

168 (b) All books, records and journals of the Town overseen by the Secretary may, in the presence of the Mayor,
169 Vice-Mayor, any member of the Town Council or Town Manager, may be inspected at any time, or times, as may be
170 convenient and will not interfere with the regular routine of the business of the Town.

171 (c) All books, records, papers and documents overseen by the Secretary shall be open for inspection by members
172 of the Town Council.

173 **2.4 Enumeration Of Powers**

174 (a) The Town shall have and enjoy all the powers possible for a municipal corporation to have under the
175 Constitution and laws of the State of Delaware, as fully and completely as though they were specifically enumerated in this
176 Charter.

177 (b) Not by way of limitation upon the scope of the powers vested in the Town Council to exercise all powers
178 delegated by this Charter or general law to the Town (except as may expressly appear herein to the contrary), but, rather by
179 way of enumeration and example, the Town Council is vested by this Charter with (among others) the following Powers:

180 (1) To prevent public vice, drunkenness and immorality.

181 (2) To provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of
182 the Town and its inhabitants.

183 (3) To prohibit all gaming and fraudulent devices.

184 (4) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or
185 other public performances, amusements and games.

186 (5) To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of,
187 prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect,
188 remove, repair or replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, sewer, drain,
189 aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town, to
190 specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to
191 enter into contracts or agreement for the doing thereof, including contracts or agreements with the State of Delaware for the
192 permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other public thoroughfare within the Town.

193 (6) To regulate or control activities on Sunday.

194 (7) To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird
195 or fowl running at large, and to authorize the destruction of the same.

196 (8) To locate, regulate, license, restrain or require the removal of any businesses or buildings or conditions
197 detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature.

198 (9) To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or
199 abutting owners.

200 (10) To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area,
201 descent, sign, post or any other erection nor projection in, over, upon or under any street, highway, alley, lane, water course,
202 park, lake, sidewalk, crosswalk, sewer, drain, aqueduct or pipeline of the Town.

(11) To define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare.

(12) To provide an ample supply of potable water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by the Town of Georgetown may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury, or damage to or interference with the waste system or the equipment of the Town, to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipality itself.

(13) To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any willful or negligent injury or damage to, or interference with the said system, plan or facilities; to furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefore of the Town itself.

(14) To provide, construct, extend, maintain, manage and control the plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks. Wharves, docks, public buildings or other public places in the Town, and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessarily proper to light the Town, and to furnish proper connections for electric current and gas to the properties of the inhabitants of the Town who may desire the same; to regulate and prescribe for what private or public purpose the current or gas furnished by the Town may be used, the manner of its use, the amount to be paid by the users thereof, the means whereby such amounts are to be collected and

233 the fines or penalties, or both, for any willful or negligent injury or damage to or interference with the electric or gas system
234 or systems of the Town; to furnish or refuse to furnish electric current or gas from the Town's system or systems, to places
235 and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to
236 users within or without the Town with the same full powers as though such current or gas had been initially reduced to
237 usefulness by the Town itself.

238 (15) To fully control within the Town the drainage of all water and to that end to alter or change the course and
239 direction of any natural or man-made water course, runs or rivulets within the Town, to regulate, maintain, clean and keep
240 the same open, clean and unobstructed, and to provide, construct, extend and maintain, manage and control a surface water
241 drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.

242 (16) To provide, construct, extend, maintain, manage and control embankments, or fills for the preservation of any
243 highland within the limits of the Town and contiguous thereto to the end that the same may be preserved, property
244 protected that the general public might enjoy the use thereof.

245 (17) To grant franchises or licenses to any responsible person, firm, association or corporation for such period of
246 time, upon such terms, restrictions, stipulations and conditions and for such consideration as the Town Council shall deem
247 in the best interests of the municipality, to use the present and future streets, highways, lanes, alleys, water courses, parks,
248 lakes, sidewalks, crosswalks, and other public places of the Town for the purpose of furnishing heat, light, power, gas,
249 water, sewer, drainage, electric current, telephone, communications, television, railroad excepting railroads or railways
250 engaged in Interstate Commerce, bus, taxi or other transportation, carrier or public service to the Town, unto the persons,
251 firms or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to
252 points outside the limits thereof, and for the purpose of vending any article or merchandise or service upon or from any
253 vehicle upon any present and future street, highway, lane, alley, etc.; provided that no exclusive franchise or license shall be
254 granted for any such purpose to any person, firm, association or corporation whomsoever.

255 (18) To regulate and control the exercise of any license or franchise mentioned in Section 2.4 of this Charter, or
256 intended so to be.

257 (19) To direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the
258 streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said
259 trees.

260 (20) To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of
261 ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements
262 authorized by this Charter.

263 (21) To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and
264 avenues.

265 (22) To regulate, control or prevent the use or storage of gun powder, fireworks, tar pitch, resin, and all other
266 combustible materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to suppress,
267 remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires.

268 (23) For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner
269 of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the
270 granting of permits for the same; to establish a building line for buildings to be erected; to zone or district the Town and
271 make particular provisions for particular zones or districts with regard to building or building material; and generally to
272 exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of 22
273 Del.C. Ch. 3 as amended.

274 (24) To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town which shall be used as
275 a place of detention for persons convicted of violations of law or ordinance, or for detention of persons accused of
276 violations of law or ordinances, for a reasonable time in cases of necessity prior to hearing and trial; provided that any
277 correctional institution located in Sussex County may be used for any such purpose.

278 (25) To acquire, build, erect and maintain buildings and facilities necessary or required for housing, storing and or
279 equipping the departments of the Town.

280 (26) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, beanshooters, and any other
281 devices which may cause bodily injury or injury or harm to property; and to regulate or prevent the use of fireworks, bombs
282 and detonating works of all kinds.

283 (27) To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both.

284 (28) To provide for the organization of a fire department and the control and government thereof; to do all things
285 necessary for the prevention or extinguishment of fires; and at the discretion of the Town Council, to contribute, donate or
286 give an amount or amounts not to exceed in the total during any fiscal year three percent (3%) of the total taxes levied on
287 real estate to any volunteer fire company or companies incorporated under the laws of the State of Delaware, or any
288 volunteer fire association or associations maintaining and operating firefighting equipment and service to the Town;
289 provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use
290 thereof as the Town Council shall deem advisable.

(29) To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of the abatement of nuisances and the like, laying out and repairing sidewalks, curbs or gutters, or other charges due the Town and to sell the same.

(30) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum of more than ten percent (10%) of the total assessed value of all taxable real estate and the improvements thereon: and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether hereinbefore or hereafter incurred.

(31) To levy and collect taxes upon all telephone, communications, power poles, pipelines, rail lines, or other constructions or erections of a like character, erected within the limits of the Town, together with the wire or other appliances thereto or therein attached; expressly excepting all telephone, communications, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 5.6.1 of this Charter, the Town Council shall have the authority to cause the same to be removed.

(32) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Town Council from time to time shall fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town; provided, however, that nothing contained herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

(33) To determine from which authorized source and in what proportion taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the Town and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

(34) To provide for the collection of and disbursement of all moneys to which the Town may become entitled by law, including licenses and fines where no provision for the collection and disbursement thereof is otherwise provided in this Charter.

(35) To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full

321 faith and credit of the Town or such other security or securities as the Town Council shall select for the payment of the
322 principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness
323 issued by the Town shall be exempt from all state, county or municipal taxes; provided, however that in no event shall the
324 indebtedness of the Town for any and all purposes at any one time exceed in the seventy-five percent (75%) of the assessed
325 value of all real estate in the Town subject to the assessment for the purpose of levying the annual tax herein before
326 mentioned. Debt which has been advance refunded with proceeds of the advance refunding sufficient to pay principal and
327 interest on the debt to the first allowable call date having been irrevocably deposited in trust with a Delaware bank
328 irrevocably with instructions to make no investment of the funds deposited other than in guaranteed or direct obligations of
329 the United States shall not be counted as indebtedness.

330 (36) To acquire, and/or to vacate the use of lands, tenements, personal property, easements, rights of way, or any
331 interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain for any
332 proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred
333 upon or delegated to The Town of Georgetown by this Charter. Proceedings by way of condemnation in any case shall be
334 as prescribed in 10 Del.C. Ch. 61, as amended.

335 (37) To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof,
336 from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of
337 emergency.

338 (38) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other
339 amount due the Town by the performance of labor or service for the Town by any person owing the same.

340 (39) To inquire into and investigate the conduct of any officer, agent or employee of the Town or any municipal
341 affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the
342 attendance of witnesses and the production of books, papers, or other evidence by subpoena.

343 (40) To establish by ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan,
344 or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem
345 most appropriate; provided, that the method of funding may, if deemed desirable by the Town Council, be accomplished
346 through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by
347 a majority of the elected members of the Town Council.

348 (41) To borrow money in anticipation of revenues on the full faith and credit of the Town of Georgetown sum or
349 sums not exceeding One Million Dollars (\$1,000,000.00) in any one year when, in the opinion of a majority of the Town
350 Council of the Town of Georgetown, the needs of the Town require it. Any sum so borrowed shall be secured by

351 promissory notes of the Town of Georgetown, duly authorized by Resolution adopted by the Town Council of the Town of
352 Georgetown, and signed by the **Mayor** of the Town of Georgetown and attested by the Secretary of the Town Council with
353 the corporate seal affixed, and no officer or member of the Town Council shall be liable for the payments of such notes
354 because it is signed by them as officers of the Town and is authorized by the Resolution of the Town Council; provided,
355 however, that the total sum outstanding at any one time shall not exceed One Million Dollars (\$1,000,000.00); and provided
356 further, that any sum of money so borrowed, as aforesaid, in any fiscal year, shall be paid from the general fund of the
357 Town and shall be completely repaid at any time, but must be completely paid at the end of ten (10) fiscal years following
358 the first fiscal year when said sum or sums were borrowed, within interest thereon; and provided that such ad valorem taxes
359 shall be levied as is necessary to pay the principal or the interest on said bonds as is required without regard to any other
360 limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all
361 taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof.

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

370 (43) The Town Council of the Town of Georgetown, shall have the power to levy a Realty Transfer Tax as
371 authorized under 22 Del.C. §1601 (a) through (c) as amended.

372 (c) All provisions of this Section and any other Section of this Charter limiting the amounts of indebtedness to be
373 incurred or taxes to be levied by the Town Council shall not apply to any indebtedness incurred or any special ad valorem
374 taxes, special taxes, or ad valorem taxes levied pursuant to or in connection with Section 5.10 of this Charter.

375 **2.5 Organization And Annual Meeting Of Council**

376 (a) At the second regular meeting of the Town Council following the Annual Municipal Election, the duly elected
377 officers shall take the Oath of Office, being sworn or affirmed by a notary public to perform faithfully and impartially the
378 duties of their respective offices with fidelity and assume the duties of same office.

379 (b) At the annual meeting, held on the second regular meeting following the Annual Municipal Election, the Town
380 Council shall organize and elect a Vice-Mayor, who shall hold office for the term of one (1) year or until his/her successor

381 shall be duly elected. The Town Council shall likewise select a Secretary from their own number to serve until the
382 organization meeting after the next Annual Municipal Election.

383 **2.6 Procedure.**

384 2.6.1 Meetings. The Council shall meet regularly at least once in every month at such times and places as the
385 Council may prescribe by rule. Special meetings may be held on the call of the **Mayor** or of two (2) or more Council
386 members and, whenever practicable, upon no less than twenty-four (24) hours public notice and to each member. Except as
387 allowed by state law, all meetings shall be public; however, the Council may recess for the purpose of discussing in a
388 closed or executive session limited to its own membership, any matter which would tend to defame or prejudice the
389 character or reputation of any person, if the general subject matter for consideration is expressed in the motion calling for
390 such session and final action on such motion is not taken by the Council until the matter is placed on the agenda.

391 2.6.2 Rules and Journal. The Town Council shall determine its own rules and order of business and shall provide
392 for keeping a journal of its proceedings. This journal shall be a public record.

393 2.6.3 Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded
394 in the journal. Three (3) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to
395 time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of
396 the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more
397 members of the Council.

398 **2.7 Vacancies, Forfeiture of Office; Filling of Vacancies**

399 2.7.1 Vacancies. The office of a Town Council member shall become vacant upon the Council member's death,
400 resignation, or removal from office or forfeiture of office in any manner authorized by law.

401 2.7.2 Forfeiture of Office. A Town Council member shall forfeit that office if the Town Council member:

402 (1) Fails to maintain the bona fide residency requirements as defined in Section 3.2 (g),

403 (2) Violates any expressed prohibition of this charter,

404 (3) Failure of personal conduct as defined in the Code of the Town of Georgetown §29-82 (C).

405 (4) Fails to attend four (4) consecutive regular meetings of the Council without being excused by the Council.

406 2.7.3 Filling of Vacancies. A vacancy in the Town Council shall be filled for the remainder of the unexpired term,
407 if any, at the next regular election following not less than sixty (60) calendar days upon the occurrence of the vacancy, but
408 the Town Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until
409 the person elected to serve the remainder of the unexpired term takes office. If the Town Council fails to do so within thirty
410 (30) calendar days following the occurrence of the vacancy, the election authorities shall call a special election to fill the

411 vacancy, to be held not sooner than ninety (90) calendar days and not later than one hundred and twenty (120) calendar
412 days following the occurrence of the vacancy, and to be otherwise governed by law.

413 **Article III**

414 **Qualifications, Nominations, and Elections**

415 **3.1 Ward Limits**

416 There are hereby created and established four (4) Wards for The Town of Georgetown as follows:

417 3.1.1 First Ward: The area within the Town limits South of the center line of East Market Street and East of the
418 center line of South Bedford Street, extending to the outermost limits of the Town.

419 3.1.2 Second Ward: The area within the Town limits North of the center line of East Market Street and East of the
420 center line of North Bedford Street, extending to the outermost limits of the Town.

421 3.1.3 Third Ward: The area within the Town limits North of the center line of West Market Street and West of the
422 center line of North Bedford Street, extending to the outermost limits of the Town.

423 3.1.4 Fourth Ward: The area within the Town limits South of the center line of West Market Street and West of the
424 center line of South Bedford Street, extending to the outermost limits of the Town.

425 **3.2 Qualifications For Mayor And Town Council Member**

426 The qualifications for **Mayor** and Town Council member at the time of their election shall be in accordance with
427 15 Del.C. §7555(c)(1), (c)(2) and (c)(3) as amended and shall also include:

428 (a) The **Mayor** shall be at least twenty one (21) years of age, a citizen of the United States and of the State of
429 Delaware and a bona fide resident of The Town of Georgetown as defined in Section 3.2 (g).

430 (b) The Town Council member from the First Ward shall be at least twenty-one (21) years of age, a citizen of the
431 United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the
432 First Ward as defined in Section 3.2 (g).

433 (c) The Town Council member from the Second Ward shall be at least twenty-one (21) years of age, a citizen of
434 the United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of
435 the Second Ward as defined in Section 3.2 (g).

436 (d) The Town Council member from the Third Ward shall be at least twenty-one (21) years of age, a citizen of the
437 United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the
438 Third Ward as defined in Section 3.2 (g).

439 (e) The Town Council member from the Fourth Ward shall be at least twenty-one (21) years of age, a citizen of the
440 United States and of the State of Delaware, a bona fide resident of The Town of Georgetown and a bona fide resident of the
441 Fourth Ward as defined in Section 3.2 (g).

442 (f) Each of the qualifications for **Mayor** and Town Council member shall be continuing qualifications to hold
443 office and the failure of either the **Mayor** or any Town Council member to continue to have any of the qualifications
444 required by this Section during their term of office shall create a vacancy in the office.

445 (g) A person is a ‘bona fide resident’ of the town when he/she physically resides within the corporate limits of the
446 town and continues to make that residence his/her fixed and permanent home.

447 **3.3 Notice of Solicitation of Candidates: Notice of Candidacy**

448 3.3.1 Notice of Solicitation of Candidates. Not less than twenty (20) calendar days prior to the filing deadline for
449 Notices of Candidacy, the Town shall post a ‘Notice of Solicitation of Candidates’ in at least two (2) public places in the
450 Town, one of which shall be at the Town Hall. If the Town has a website, such notice shall also be posted on the website.
451 The Town shall provide a copy of such notice to the Department of Elections. Such notice shall include the term or terms of
452 each office up for election, the deadline and procedure for declaring candidacy for an office up for election, and the
453 qualifications for holding each office. If the Town permits absentee ballots, the notice shall also include information
454 concerning how to obtain an absentee ballot.

455 3.3.2 Statement of Candidacy. In order to be listed on the ballot at any regular or special election of Town Council
456 members, each candidate shall file a Statement of Candidacy on a form as prescribed by the Town of Georgetown, with the
457 Town Manager, at least twenty (20) calendar days prior to the date set for the election. Such statement shall contain an
458 affirmation that the candidate meets all of the qualifications for holding office. The Statement of Candidacy shall be
459 submitted on or before 5:00 p.m. on the fourth Friday in April. If such day be a legal holiday, the last day for filing
460 notification of candidacy shall be the last business day immediately preceding the fourth Friday in April.

461 The Town Manager shall present all timely received Statements of Candidacy to the Town Council for
462 certification at a special meeting to be held after the filing deadline.

463 Upon the submission of a Statement of Candidacy, the candidate shall file a Certificate of Intention with the State
464 of Delaware, Department of Elections, no later than seven (7) calendar days after the declaration of candidacy.

465 3.3.3 Compliance with Municipal Election Statute. Every candidate for Town office, and every effected Town
466 Official, shall comply with the provisions of 15 Del.C. §7555 (d) through (h) as amended as regards to the filing of
467 ‘Certificates of Intention’ or ‘Statements of Organization’. In accordance with 15 Del.C. §7555 (l), the Town shall submit

468 the names of candidates for each office up for election to the Department of Elections no later than one (1) business day
469 following the deadline for filing a Statement of Candidacy under Section 3.3.2 above.

470 **3.4 Elections.**

471 3.4.1 Voter Qualifications. Any person shall be qualified to vote who, on the date of the election, is:

472 (1) A United States citizen;

473 (2) Has attained eighteen (18) years of age;

474 (3) Is a bona fide resident of the Town, as defined in Section 3.2 (g);

475 (4) Has not been adjudged a mentally incompetent person by a court of competent jurisdiction;

476 (5) Has not been disenfranchised pursuant to Sections 3 or 7 of Article V of the Constitution of the State of
477 Delaware.

478 3.4.2 Voter Registration. The Town Council may, by Ordinance, establish a reasonable procedure for the
479 registration of voters and, in such event, compliance therewith may be a prerequisite for voting at the election.

480 3.4.3 Uncontested Elections; write-in candidates.

481 (1) Where there is only one (1) official candidate for each office up for election, the Board of Elections shall
482 declare those candidates elected without the holding of a formal election.

483 (2) No person or candidate whose name does not appear on the ballot shall be eligible for election, and votes for
484 'write-in' candidates shall not be counted.

485 3.4.4 Date, Time, and Place and Manner of Conducting.

486 3.4.4 (1) Date, Time, and Place. The annual town election shall be held on the second Saturday in May of each
487 year at such time and place, within the town, as shall be determined by the Town Council. The polls shall remain open for
488 not less than six (6) hours, the times to be determined by the Town Council.

489 (a) At the Annual Municipal Election held on even years, the **Mayor** and one (1) Council member from the Third
490 Ward and one (1) Council member from the Fourth Ward shall be elected. The **Mayor** and each of the Council members
491 who are elected shall serve for a term of two (2) years, or until their successor has been duly elected.

492 (b) At the Annual Municipal Election held on odd years, one (1) Council member from the First Ward and one (1)
493 Council member from the Second Ward shall be elected. Each of the Council members so elected shall serve for a period of
494 two (2) years or until their successor has been duly elected.

495 3.4.4 (2) Notice of Elections. Notice of town elections, including the date, time, and place thereof, the names of
496 the candidates for each office to be filled, and the qualifications to vote in the election shall be given by posting notice
497 thereof in at least two (2) public places in the town, one (1) of which shall be at the Town Hall, not less than twenty (20)

498 calendar days before the day of such election and by publishing notice thereof in a newspaper of general circulation in the
499 town at least seven (7) calendar days prior to the date of the election. The published notice shall be in bold print or bordered
500 in black in such manner as to call attention thereto.

501 3.4.4 (3) Voting Machines, Paper Ballots, Electronic Voting System. Elections shall be by voting machine,
502 electronic voting system, or by paper ballot as the Town Council shall determine; provided however that voting machines
503 or electronic voting systems shall be used if required by general statute.

504 3.4.4 (4) Absentee Voting. The Town Council may, by ordinance, provide for a qualified voter (duly registered if
505 required by ordinance) who shall be unable to appear in person, to cast his or her ballot at any municipal election by
506 absentee ballot. In such event, the Town shall comply with the Delaware Code's Municipal Election statute regarding
507 absentee voting as amended, or in accordance with any future corresponding provision of law.

508 3.4.4 (5) Rules Governing Conduct of Elections. All elections for Town Offices shall be conducted in accordance
509 with the provisions of 15 Del.C. §7557 regarding, among other things, training of Election Officers, persons who may be
510 admitted into the voting room, electioneering, challengers and challenges, oath of office for Election Officers, bribery,
511 polling places and the preparation thereof, voting procedures, closing of the polls, and unofficial results; provided however
512 that the Board of Elections shall fulfill the role of 'Inspector' of the election. The Town Council may, by ordinance or
513 resolution, adopt such other additional rules, not inconsistent with the provisions of this Charter or with controlling state or
514 federal law, governing the conduct of elections.

515 3.4.4 (6) Board of Elections. Every election shall be held under the supervision of the Board of Elections. The
516 Board of Elections shall consist of three (3) or five (5) persons (as determined by the Town Council) who shall be qualified
517 voters of the town and who shall not themselves be an elected official or candidate or an immediate family member of an
518 elected official or candidate (mother, father, son, daughter, brother, sister, including half-brothers and half-sisters,
519 stepfamily members, and in-laws). The Board of Elections shall be appointed for each Town Council election by the Town
520 Council at least twenty (20) calendar days before such election. Members of the Board of Elections shall be issued a
521 Certificate of Appointment and shall take the oath or affirmation set out in 15 Del.C. §7551(d). Members of the Board of
522 Elections shall not engage in 'electioneering' as defined in 15 Del.C. §7551(e). After installation of the Board of Elections,
523 the Town shall notify the Commissioner of Elections and the Department of Elections of the Board's members, and post the
524 names and contact information for the Board of Elections in the Town Hall and, on the Town's website (if it has one). The
525 Town Council may, at the same time it appoints the Board of Elections, appoint up to three 'alternate' members (designated
526 as 'first', 'second', and 'third' alternate) to assume office in the event that one or more of the original Board of Elections
527 resigns, is disqualified, or is otherwise unable to serve. Each alternate member shall meet all the qualifications for serving

528 on the Board of Elections and shall conduct themselves in the manner required for members of the Board of Elections. In
529 the event that it becomes necessary for one or more of the alternates to serve, they shall be provided a Certificate of
530 Appointment, administered the oath or affirmation, and notice of their appointment provided as in the case of the original
531 members of the Board of Elections. Members of the Board of Elections shall be the sole and final judges of the conduct of
532 the election and of the legality of the votes offered. The Board of Elections shall determine all challenges and other issues
533 involving the conduct of the election at the polling place. The Board of Elections shall keep a list of all voters voting at said
534 election. The Board of Elections shall have the power to administer oaths, subpoena persons, and officers of the town, and
535 books, records and papers relative to the determination of the qualifications of voters and the legality of any vote or votes
536 offered.

537 3.4.4 (7) Election Officers. As defined in 15 Del.C. §7556, the Board of Elections shall appoint a sufficient
538 number of Election Officers to assist in conducting the Town Election in a fair and equal manner. Any Election Officer who
539 violates the provisions of the Municipal Election statute shall be forthwith removed by the Board of Elections.

540 3.4.4 (8) Election Results. The Board of Elections shall tabulate the votes and announce the results of the election
541 as soon as possible following the closing of the polls. Following the resolution of any contest and the certification of the
542 election results, the Board of Elections shall audit the election records in order to reconcile the number of voters who cast
543 ballots as compared to the number of voters who returned absentee ballots and voted on voting machines. The tabulated
544 results shall be made available for public review.

545 3.4.4 (9) Recounts. The Board of Elections shall recount the absentee ballots (if any) if the difference between the
546 top two candidates is one half (½) of one percent (1%) or less than the total votes cast for that office. Where citizens vote
547 for more than one candidate for an office, the Board of Elections shall recount absentee ballots if the difference between the
548 last candidate elected and the next closest candidate are one-half (½) of one percent (1%) or less than the total votes cast for
549 the office.

550 3.4.4 (10) Ties. In the event of a tie vote for any office, the Board of Elections shall determine such tie by a
551 majority vote of the entire Board of Elections.

552 3.4.4 (11) Preservation of Ballots and Records. All ballots cast and all records of the election kept by the Board of
553 Elections shall be preserved in the custody of the Town Manager, following the Board of Election's announcement of the
554 election results, unless an appeal is filed in a court of appropriate jurisdiction, in which case such ballots and records shall
555 be preserved until further direction of the court having jurisdiction.

556 3.4.5 Time Limit to Challenge Election. No action to challenge the election of any member of the Town Council
557 may be filed after the expiration of thirty (30) calendar days from the date the Board of Elections announces the results of
558 the election.

559 **Article IV**

560 **Governmental Structure**

561 **4.1 Structure Of Government**

562 The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise
563 provided herein, shall be vested in the Town Council. The Town Council shall be composed of four (4) Ward members and
564 a Mayor, each of whose terms shall be for a period of two (2) years commencing at the Annual Meeting of the Town
565 Council following their election and continuing until their successor is duly elected and qualified. Each member of the
566 Town Council shall be elected by the voters at large. The **Mayor** of the Town of Georgetown and each Town Council
567 member shall receive as compensation such amount as shall be determined by the Town Council by ordinance or resolution
568 for attendance at any regular meeting, special meeting or workshop meeting. The time of payment is to be determined by
569 the Town Council, but in no event shall such compensation be paid less frequently than annually and at no time shall the
570 compensation to be received by the **Mayor** during any fiscal year be more than Two Thousand Dollars (\$2,000.00) and no
571 Ward member of the Town Council shall receive during any fiscal year more than One Thousand Dollars (\$1,000.00).

572 **4.2 Town Manager**

573 (a) The **Mayor** of The Town of Georgetown, with the concurrence of a majority of all the elected members of the
574 Town Council, may appoint a Town Manager who shall be the Chief Administrative Officer of the Town at such
575 compensation as shall be determined by the Town Council.

576 (b) The Town Council of the Town of Georgetown shall impose such qualifications for Town Manager as may be
577 deemed necessary; provided however, that no person holding the office of **Mayor** or Town Council member shall be
578 chosen to be Town Manager during his/her term of office as **Mayor** or Council member.

579 (c) The Town Manager shall hold office for an indefinite term and may be removed by a majority vote of the
580 Town Council of the Town of Georgetown. At least thirty (30) calendar days before such removal shall become effective,
581 the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the
582 reasons for his/her removal. The Manager may reply in writing and may request a public hearing which shall be held not
583 earlier than twenty (20) calendar days nor later than thirty (30) calendar days after the filing of such request. After such
584 public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of all the elected
585 members thereof, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend

586 the Town Manager from duty with or without pay but shall in any case cause to be paid him/her forthwith any unpaid
587 balance of his/her salary.

588 (d) In case of the absence or disability of the Town Manager, the Town Council may designate some qualified
589 person to perform the duties of such office during his/her absence or disability. The compensation which the Town
590 Manager shall receive for the performance of his/her duties shall be fixed by the Town Council of The Town of
591 Georgetown.

592 (e) The Town Manager shall be responsible to the Town Council for the proper administration of the affairs of the
593 Town placed in his/her charge and to that end he/she shall have the power to make such appointments and to hire such
594 employees at such compensations as are authorized by the Town Council, subject to such rules and regulations as may be
595 adopted by the Town Council. All employees shall be hired for an indefinite term and may be suspended with or without
596 pay, demoted or dismissed by the Town Manager at any time unless otherwise provided by resolution of Council and shall
597 report all such suspensions, demotions or dismissals to the Town Council at the next meeting of such Town Council
598 whenever such meeting be a regular meeting or a special meeting. The Town Council of the Town shall sit as a Board of
599 Appeal for the protection of Town employees at those times when the majority of all the Town Council are agreed that a
600 review of the action of the Town Manager would be in the best interest of the Town. The decision of the Town Council in
601 such case shall be final and conclusive.

602 (f) It is the intention of this Charter that, in the performance of his/her duties, and in the exercise of his/her powers,
603 the Town Manager shall not be influenced by any matters whatsoever of a political or fractional nature. It is the intention of
604 this Charter that the Town Manager shall be guided solely by matters of expediency and efficiency in the administration of
605 the affairs of the Town placed in his/her charge. Except for purposes of inquiry, the Town Council shall deal with that
606 portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.

607 (g) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town under
608 his/her charge and to make such reports to the Town Council as are required by the Town Council. The Town Manager
609 shall make such recommendations to the Town Council concerning the affairs of the Town as may seem to him/her
610 desirable; keep the Town Council advised of the financial condition and future needs of the Town; prepare and submit to
611 the Town Council the annual budget estimate; render to the Town Council at the regular monthly meeting of each and every
612 month a true, accurate and detailed account of all the moneys collected or received by him/her in the performance of his/her
613 duties and shall promptly turn the same over to the Town Council.

614 (h) In conjunction with the Mayor, he/her shall sign warrants pursuant to appropriations or resolutions theretofore
615 made for the Town Council; prepare and submit to the Town Council such reports as may be required by the Town

616 Council; and perform such other duties as may be prescribed by this Charter or required of him/her by Ordinance or
617 Resolution of the Town Council.

618 (i) The Town Manager and such other officers of the Town as may be designated by vote of the Town Council
619 shall be entitled to a seat in the meetings of the Town Council, but shall not vote therein.

620 (j) The Town Manager shall have charge of the water plant operated by the Town, and of the water and sewer
621 systems of the Town. The Town Manager shall have charge of the supervision of the streets, gutters, curbs and sidewalks
622 of the Town and of all work relating thereto. The Town Manager shall have charge of the administration of all provisions of
623 this Charter and ordinances and regulations of the Council relating to affairs of the Town, when not otherwise provided for
624 by this Charter or by any ordinance or resolution of the Council. The Town Manager shall ex officio be the collector of
625 taxes for the Town. It shall be his/her duty to collect all water rents and fees for the tapping of water mains and sewers, and
626 all Town revenue from any source whatsoever.

627 (k) The Town Manager shall keep a full and strict account of all moneys received and all disbursements made by
628 him/her and such accounts shall, at all times, be open to inspection to the Town Council.

629 (l) The Town Manager shall give to the Town a bond, if required by the Town Council, in such sum and in form
630 with security satisfactory to the Town Council for the faithful performance of the duties of his/her office and the restoration
631 to the Town, in case of his/her death, resignation, or removal from office all books, papers, vouchers, money and other
632 property of whatever kind in his/her possession belonging to the Town.

633 (m) In the event of a vacancy in the office of the Town Manager for any reason or reasons whatsoever, the duly
634 appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in
635 his/her predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any
636 such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed
637 by the successor to such office.

638 (n) Upon the death, resignation, or removal from office of the Town Manager, the Town Council shall appoint
639 some suitable person, who may be an elected or appointed official of the Town, to perform the duties of Town Manager;
640 provided, however, such person shall not serve for a period exceeding ninety (90) calendar days from the date of his/her
641 appointment.

642 **4.3 Police Force**

643 (a) The Town Council shall be responsible for the establishment of a police department and adoption of a
644 manpower level. The Town Council shall, from time to time, make such rules and regulations as may be necessary for the
645 organization, government and control of the police force. The Town of Georgetown police force shall exercise primary

646 jurisdiction within the boundaries of the Town, to include annexed properties not specifically identified within this Charter.
647 Each sworn member of the police force shall have police powers and shall be conservators of the peace throughout the
648 Town of Georgetown. They shall suppress all acts of violence and enforce all laws relating to the safety of persons and
649 property. They shall compel the enforcement of all laws enacted by the Town Council of the Town of Georgetown. The
650 police force shall preserve peace and order and shall compel obedience within the Town limits to the ordinances of the
651 Town and the Laws of the State of Delaware. Each officer of the Georgetown Police Department shall take an oath to
652 protect, defend, and obey the Constitution of the United States of America and the Constitution and Laws of the State of
653 Delaware and ordinances of the Town of Georgetown. In the case of a pursuit of an offender, the power and authority of the
654 police force shall extend beyond the territorial limitations of the Town of Georgetown. It shall be the duty of the police
655 force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town or the noisy conduct of
656 any person in the same, and upon the view of the above or upon the view of the violation of any ordinance of the town
657 relating to peace and good order thereof, the police force shall have the right and power to arrest without a warrant.

658 (b) The Chief of Police shall be appointed by the **Mayor** with the advice and consent of a majority of all elected
659 members of the Town Council at such compensation as shall be determined by the Town Council. The Chief of Police shall
660 be solely responsible for the day to day operational control of the police department. The Chief of Police shall make rules
661 and regulations governing the operational control of the police department. The Chief of Police will be responsible for the
662 good order and discipline of the department. The Chief of Police will be responsible for the hiring of qualified persons to be
663 employed by the police department. The Chief of Police will be responsible for the promotion and demotion of employees
664 in accordance with the written policies of the police department. The Chief of Police or his/her designee is authorized to
665 suspend, dismiss or discipline any employee of the police department for violations of the Laws of the State of Delaware,
666 ordinances of the Town of Georgetown or written policies of the Town of Georgetown of the Police Department. The Chief
667 of Police shall be subject to the direction of the Town Manager acting for the Town Council. The Chief of Police shall have
668 such other duties as the Town Manager may from time to time prescribe. All members of the police force shall be paid such
669 compensation as shall be determined by the Town Council.

670 (c) The Police Chief shall hold office for an indefinite term and may be removed by a majority vote of the Town
671 Council of The Town of Georgetown as in compliance with 11 Del.C. §9301.

672 (d) Every person sentenced to imprisonment by the Alderman or the Assistant Alderman or a Justice of the Peace,
673 as the case may be, shall be delivered by a member of the police force to the correctional institution located in Sussex
674 County to be there imprisoned for the term of his/her sentence.

(e) In the case of an arrest at any time when the Alderman or the Assistant Alderman of the Town of Georgetown shall not be available or if no such Alderman or Assistant Alderman has been appointed, the person arrested may be taken before the nearest Justice of the Peace with offices in Sussex County who shall hear and determine the charge, and who, in such case, is vested with all the authority and powers granted by this Charter under the Alderman or the Assistant Alderman. In the case of an arrest at a time when the Alderman or the Assistant Alderman or the Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be delivered to the correctional institution located in Sussex County for

imprisonment until such reasonable time thereafter as shall enable the Alderman or Assistant Alderman or the Justice of the Peace to hear and determine the charge against such person.

4.4 Town Solicitor

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

4.5 Alderman's Court

The Town Council is authorized to establish an Alderman's Court in a manner consistent with the Constitution and laws of the State of Delaware.

4.6 Alderman And Assistant Alderman

(a) Appointment. An Alderman and Assistant Alderman shall be recommended by the Town, appointed by the Governor and confirmed by the Delaware State Senate. Once confirmed the Alderman and/or Assistant Alderman shall be sworn into office by the Mayor, and evidence of his or her appointment shall be recorded at the Recorder of Deeds in Sussex County.

(b) Appointment and Reappointment Nomination. When a vacancy occurs the Town Council shall by majority vote, submit a list of one or more qualified candidates and the application(s) and supporting documentation to the Governor for consideration of appointment. Not less than thirty (30) days prior to the expiration date of an Alderman's or Assistant Alderman's term, the Town Council shall by majority vote, determine whether or not to recommend reappointment of the Alderman or Assistant Alderman for an additional term. The Town shall submit a letter of recommendation to the Governor

704 for consideration of reappointment, or alternatively, its written recommendation of one or more qualified candidates along
705 with their applications and supporting documentation to the Governor for consideration of appointment.

706 (c) Term of Office. The Alderman and Assistant Alderman shall serve a two - year term and shall remain in office
707 until either reappointed or a successor is duly qualified.

708 (d) Removal. An Alderman or Assistant Alderman may be censured or removed subject to the provisions of
709 Article IV, Section 37 of the Delaware Constitution of 1897 and the Rules of the Court on the Judiciary. An Alderman or
710 Assistant Alderman may also be replaced upon expiration of a term, following Senate confirmation of a new Alderman or
711 Assistant Alderman. If any Alderman or Assistant Alderman has been removed from office by Senate confirmation of a
712 new nominee or by action of the Court on the Judiciary, he/she shall, within five (5) days of the Senate confirmation or
713 Court on the Judiciary action, deliver to the **Mayor** all the books and papers belonging to the Town, and shall within five
714 (5) days pay over to the Town Manager all moneys in his/her hands. Immediately after the receipt of the books and papers
715 belonging to the office of either the Alderman or Assistant Alderman, the **Mayor** may require the auditor of the Town to
716 make an audit of the books and papers of the official who has been replaced. Upon the neglect or failure to deliver all the
717 books and papers to the **Mayor** within the time specified by this Charter, or to pay over all of the moneys to the Town
718 Manager within the time specified, the Alderman or Assistant Alderman, so replaced, shall be deemed guilty of a
719 misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25) nor more than One
720 Hundred Dollars (\$ 100) for each day that he or she fails to deliver the books and papers to the **Mayor** or to pay over all
721 moneys to the Town Manager.

722 (e) Vacancy. In the absence of the Alderman, or when a vacancy occurs in the office of Alderman, the Assistant
723 Alderman shall exercise all the powers, duties, and responsibilities of the Alderman as set forth in this Charter. When a
724 vacancy occurs for an Alderman and there is no Assistant Alderman to act as Alderman, and the Delaware State Senate is
725 recessed for more than 6 weeks, the Town may elect to have a retired Magistrate act as Alderman pending the confirmation
726 of a nominee with the Delaware State Senate. Such retired Magistrate must meet the appointment qualifications of 10 Del.
727 C. Section 9211(a) to serve in such capacity, and shall receive such compensation as may be established by the Town
728 Council. A retired Magistrate acting as Alderman shall have all powers, duties, and responsibilities of the Alderman as set
729 forth in this Charter.

730 (f) Qualifications. Any person appointed to serve as Alderman or Assistant Alderman shall be at least twenty-one
731 (21) years of age, a United States citizen, of good character and reputation, shall live within Sussex County, and shall not
732 be a member of the Town Council or otherwise an officer or employee of the Town of Georgetown.

733 (g) Oath of Office. Within 14 days of Senate confirmation the Alderman or Assistant Alderman shall be sworn or
734 affirmed by the **Mayor** to perform the duties of office honestly, faithfully, diligently, and to uphold and enforce the Charter
735 of the Town of Georgetown and ordinances duly enacted by the Town Council of the Town of Georgetown.

736 (h) Duties. It shall be the duty of the Alderman and Assistant Alderman to adjudicate actions brought under any
737 ordinances legally enacted or established by the government of the Town and to carry into effect all legally binding orders
738 and directions of the Town Council made pursuant to any law of this State or its Constitution. In carrying out the duties of
739 the office, an Alderman or Assistant Alderman shall comply with the ethical responsibilities required of Aldermen in this
740 state and shall operate the court in accordance with the Criminal Rules of Procedure for the Alderman and **Mayor** Courts of
741 the State of Delaware.

742 (i) Compensation. The compensation of the Alderman and Assistant Alderman shall be fixed by the Town
743 Council and approved in conjunction with the Town Council's adoption of the Town operating budget. If no change is
744 proposed and approved by the Town Council, the previously established compensation rate shall continue in effect until
745 revised by a majority vote of the Town Council. Such compensation shall not be contingent upon or related to the amount
746 of any civil or penal fines imposed or collected through the Alderman Court and shall not be reduced during the term of
747 office.

748 (j) Alderman's Docket. The Town Council shall procure suitable records for the use of the Alderman and the
749 Assistant Alderman. Such records shall be known as the 'Alderman's Docket'. The Alderman and Assistant Alderman shall
750 record all official acts and proceedings in the Alderman's Docket. All criminal matters, but not civil matters, shall be
751 entered into the Delaware Criminal Justice Information System (DELJIS) as required by law.

752 (k) Jurisdiction. The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all breaches of
753 the peace, offenses and violations of any civil or criminal ordinance of the Town committed within the corporate limits of
754 the Town of Georgetown. As to such offenses or violations over which they are given jurisdiction by this Charter or by any
755 other law of the State of Delaware, the Alderman and Assistant Alderman shall be authorized and empowered to hold for
756 bail, set bail, impose fines, or imprison, for each offense or violation in accordance with the penalties provided by this
757 Charter, by any Town Ordinance enacted hereunder, or as provided by any law of the State of Delaware; provided however,
758 that the maximum fine which the Alderman or Assistant Alderman may impose shall never exceed the limits established by
759 this Charter.

760 (l) Civil and Criminal Penalties; Costs. Neither the Alderman nor the Assistant Alderman shall impose any
761 penalty in excess of Five Hundred Dollars (\$500) exclusive of costs nor imprison any offender for more than thirty (30)
762 days, or both, except as otherwise specifically provided in this Charter or by state statute; but the Alderman and Assistant

763 Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and
764 collect such costs as are set by ordinance or resolution of the Town Council.

765 (m) Monthly Report to Town Council. The Alderman and Assistant Alderman shall prepare and submit a written
766 monthly report to the Town Council reporting all fines and penalties imposed during the preceding calendar month and
767 shall pay to the Town Manager of the Town all such fines and penalties at such times as the Town Council shall direct.
768 Neither the Town Council nor the **Mayor** may establish or communicate an expected revenue budget for the Alderman
769 Court.

770 (n) Alderman Court Facilities and Staff. The Town of Georgetown shall provide adequate and appropriate
771 facilities and staff to facilitate the independent judicial operations of the Alderman Court. Facilities shall be separate from
772 conflicting town operations, including, but not limited to, police agency functions. The town may house the Alderman
773 Court in a common municipal building, so long as the Alderman's Court is provided space physically separate from other
774 town functions and is further situated in such a manner to foster public confidence in the independence of the Court.
775 Likewise, staff assigned to the Court shall not be shared with conflicting town government operations.

776 **Article V**

777 **Financial Affairs, Powers, and Procedures**

778 **5.1 Fiscal Year**

779 The fiscal year of the Town shall begin the first day of May and shall end with the next succeeding thirtieth day of
780 April.

781 **5.2 Annual Budget**

782 (a) Annually each year and not later than sixty (60) calendar days prior to the beginning of the next fiscal year, the
783 Town Manager shall prepare a rough draft of the Town Budget. From this rough draft, the Town Council shall, not later
784 than the regular meeting following the presentation of the rough draft prepared of the Town Budget containing the financial
785 plan for conducting the affairs of the Town for the ensuing fiscal year, adopt the budget.

786 (b) The budget shall contain the following information:

787 (1) An estimate showing the expenses for conducting the affairs of the Town for the ensuing fiscal year;

788 (2) The amount of the debt of the Town, together with the schedule of maturities of bond issues;

789 (3) An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuring
790 fiscal year;

791 (4) A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond
792 maturing during the year and the amount required for the 'Sinking Fund' or 'Sinking Funds';

793 (5) An estimate of the amount of money to be received from taxes, water rents, sewer service charges, front foot
794 assessments, license fees and all other anticipated income of the Town from any source or sources whatsoever.

795 (c) The Town Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

796 **5.3 Annual Audit**

797 Annually in the month of June the Town Council shall have the finances of the Town and books and accounts of
798 the Town Manager and the Controller/Treasurer audited by a certified accountant. As soon as practicable after such audit
799 has been completed, the Council shall cause to be made and publish a report of the Town's finances for the preceding fiscal
800 year.

801 **5.4 Contracts**

802 (a) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this
803 Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who
804 submits a responsive bid; provided, however, that competitive bidding shall not be required in any of the following
805 circumstances:

806 (1) The aggregate amount involved is not more than Ten Thousand Dollars (\$10,000);
807 (2) The purchase or contract is for any service rendered by a University, college or other educational institution;
808 (3) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision;
809 (4) The purchase or contract is for property or services for which it is impracticable to obtain competition;
810 (5) The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;
811 (6) The materials to be purchased are to be used to complete a project under the supervision of the Town Manager;
812 (7) The purchase or contract is for property or services for which the Town Council determines the prices received
813 after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open
814 competition;

815 (8) A public emergency as determined by the Town Council exists;

816 (9) The purchase or contract is for property for which the distance involved or other factors in order to have
817 maintenance performed, as determined by the Town Council, are unreasonable.

818 (10) Employee contracts are excluded from provisions of this Section.

819 (b) Notwithstanding the foregoing provisions of this Section 5.4 and without complying with the competitive
820 bidding procedures described above, the Town Council of the Town of Georgetown may enter into any contract necessary
821 or desired in connection with a special development district or tax increment financing district created or designated by the
822 Town Council of the Town of Georgetown pursuant to Section 5.10 of this Charter except a contract in which the Town

823 Council of the Town of Georgetown is directly contracting for the procurement of the labor or material for public
824 improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or
825 similar type contracts between the Town Council of the Town of Georgetown and an owner of real property in such district
826 when the contract is generally for the transfer by the owner to the Town Council of the Town of Georgetown of the work
827 performed and the cost of labor or material provided by such owner for the benefit of such district.

828 (c) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars
829 (\$500) for materials, supplies, services, work or labor, for the benefit and use of the Town of Georgetown with the **Mayor**
830 or any Ward member of the Town Council or with any partnership in which the **Mayor** or any Ward member of the Town
831 Council is a General Partner, or with any corporation which the **Mayor** or any Ward member of the Town Council is a
832 director or controlling stockholder, or with any firm or company in which the **Mayor** or any Ward member of the Town
833 Council is pecuniarily interested, provided that if all the remaining elected members of the Town Council shall vote to enter
834 into such contract, then the Town may enter into such a contract. The **Mayor** or any member of the Town Council with any
835 interest in such contract shall recuse themselves from the discussion and vote. Any such contract executed without such
836 vote shall be absolutely null and void.

837 **5.5 Tax Assessments**

838 5.5.1 Adoption of Sussex County Assessments. Unless the Town Council shall make its own independent
839 assessment and valuation, the Town Council shall use the assessments of Sussex County for any or all property located
840 within the corporate limits of the Town of Georgetown, anything herein to the contrary notwithstanding. The assessed
841 values established by Sussex County for the then-current tax year shall be conclusive for purposes of levying Town taxes,
842 and the Town Council shall have no authority to hear appeals regarding same. Town Council shall elect to adopt the Sussex
843 County Assessments no later than April 1 of each year.

844 5.5.2 Additions to Tax Bill. The Town Council may annually, prior to the posting of the assessment list, by
845 resolution, provide for the Town Manager a list of any and all charges, costs or other assessment owed to the Town, which
846 list of charges incurred shall include, but not limited to, the following: water bond sinking fund assessments, sidewalk
847 assessments, curb and gutter assessments, water assessments, weed and grass cutting bills, trash collection bills, past due
848 water rents and/or past due charges for sanitary sewer service.

849 5.5.3 Assessment and Taxation of Gas Mains, Telephone, Telegraph, and Power Poles and Appurtenances. The
850 Town Council shall have the right to levy and collect on gas mains, telephone, telegraph and power poles or other erections
851 of like character within the limits of the Town, together with wires and appurtenances thereto or thereon attached, and to
852 this end may at any time direct the same to be included in or added to the Town assessment.

853 5.5.4 Supplemental Tax Billing. In the event that the Town Council of the Town of Georgetown desires to collect
854 and levy taxes on newly constructed property not taxed by virtue of the annual assessment, the Town Council may do so
855 provided that: Semi-annually, there shall be an increase in the valuation and assessment of all newly constructed real
856 property within the Town, locating each parcel of real property by street and number or other description. Property shall be
857 deemed to be newly constructed when the Town permits occupancy and use (certificate of occupancy) or when new
858 construction is being used or occupied for its intended purpose. The said valuation and assessment shall be made in
859 accordance with the provisions set forth in Section 5.5.1 of this Charter. The aforementioned assessment shall be during
860 the month of October of each year. Nothing in this section contained shall be deemed or held to invalidate or otherwise
861 affect any assessment made prior to the approval of this section or any tax levied thereunder.

862 All taxes shall be paid to the Town of Georgetown. Said taxes shall be paid within 30 calendar days of billing and
863 those taxes not paid shall accrue a penalty in the amount of five percent (5%) per month. For every tax that is not paid as
864 prescribed herein, the Town Manager shall have all the powers conferred upon or vested in the Director of Treasury for
865 Sussex County. The Town Council shall have the authority to allow errors and delinquents in the assessment.

866 **5.6 Tax Levy; Tax Limit**

867 5.6.1 Tax Levy. The first regular meeting in the last month of the fiscal year, after having revised and completed
868 the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be
869 raised by the Town to meet the fixed and anticipated expenses and obligations of the Town, including reasonable and
870 appropriate reserves for the then current fiscal year as set forth in the Town budget for such year plus a reasonable amount
871 to cover anticipated expenses and emergencies.

872 5.6.2 Real Property Taxes. The rate of tax on real estate including improvements thereon per One Hundred Dollars
873 (\$100) of the assessed value.

874 5.6.3 Utility Fixtures. The rate of tax upon all gas mains, poles, construction, erections, wires and appurtenances
875 per One Hundred Dollars (\$100) of the assessed value.

876 5.6.4 Tax Limit. The total amount of money to be raised by real property taxes Section 5.6.2 and utility fixture
877 taxes Section 5.6.3 shall in no year exceed ten percent (10%) of the total assessed valuation of all taxable real estate (and
878 improvements thereon) in the Town.

879 5.6.5 Validity. Nothing contained in this Charter shall be construed to affect or impair in any way the validity of
880 any tax, fee, assessment or other charge lawfully levied, assessed or due the Town of Georgetown under the existing laws in
881 reference to said Town and the same are hereby declared to be valid, binding and vested in the Town of Georgetown
882 created hereby.

883 **5.7 Collection of Annual Taxes**

884 5.7.1 Collection by Town Manager. The Town Manager shall be responsible for the collection of taxes hereunder.

885 5.7.2 Lien. All taxes (and municipal charges) so laid or imposed by the Town shall be and constitute a lien, for a
886 period of ten (10) years from the date so levied, upon the real estate against which such taxes are laid and imposed. In the
887 case of a life estate, the interest of the life tenant shall first be liable for the payment of any taxes so levied. Subject to the
888 provisions of 25 Del.C. Ch. 29, as amended, or in accordance with the provisions of any future corresponding provisions of
889 law, such lien shall have preference and priority to all other liens on such real estate as aforesaid, created or suffered by the
890 said taxable, although such lien or liens be of a time and date prior to the time of the attaching of such lien for taxes.

891 5.7.3 Due Date. All taxes shall be due and payable as established under Section 5.7.4. All taxes shall be paid to the
892 Town of Georgetown. All taxes, when and as collected by the Town Manager, shall be paid to or deposited to the credit of
893 the Town of Georgetown, in federally-insured banking institutions approved by the Town Council.

894 5.7.4 Collection of Delinquent Taxes. It shall be the duty of the Town Manager to proceed forthwith to collect all
895 taxes together with penalties and costs (all hereinafter 'delinquent taxes') unpaid a year and a day after due. In the
896 collection of said delinquent taxes, the Town Manager of the Town of Georgetown shall have all of the powers and
897 authority conferred upon or vested in the Director of Treasury for Sussex County as set forth in 9 Del.C. Ch. 87 as
898 amended, (or in accordance with any future corresponding provision of law). Except as otherwise expressly stated herein,
899 the provisions of 25 Del.C. Ch. 29, as it may from time to time hereafter be amended, (or in accordance with any future
900 corresponding provision of law) shall be deemed and held to apply to all taxes levied and imposed under the provisions of
901 this Charter.

902 The Town Council shall have the power to make allowances for delinquencies in the collection of taxes.

903 **5.8 Collection Of Charges Due The Town**

904 (a) In the collection of any charges due the Town including but not limited to water rentals, sewer service charges,
905 electric bills, gas bills, license fees, tapping fees, front foot assessments, charges growing out of the abatement of nuisances,
906 laying out and repairing paving, graveling, curbing, or any of them, shall become a first lien against all real estate of the
907 delinquent property owners situated within the Town and such charges shall have preference and priority for a period of ten
908 (10) years from the date the charge became due and owing to all other liens on real estate created or suffered by the taxable
909 and property owner, although such other lien or liens be of a date prior to the time for the attaching of such liens for such
910 charges.

911 (b) The remedies available to the Town Manager for the collection of such charges shall be the

912 same as those set forth in this Charter for the collection of delinquent taxes.

913 **5.9 Power To Borrow Money And Issue Bonds**

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

922 (1) The Town Council by Resolution shall propose to the residents and property owners of the Town that the Town
923 Council proposes to borrow a certain sum of money for any of the purposes above stated. The Resolution shall state the
924 amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other
925 pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession at the time of
926 the passage of the Resolution and shall fix a time and place for a hearing on the said Resolution.

927 (2) Notice of the time and place of the hearing on the Resolution authorizing said loan shall be printed in a
928 newspaper having a general circulation in the Town or distributed in circular form at least one week before the time set for
929 the public hearing.

930 (3) Following the public hearing, a second Resolution shall then be passed by the Town Council ordering a Special
931 Election to be held not less than thirty (30) calendar days nor more than sixty (60) calendar days after the said public
932 hearing to borrow the said money, the said Special Election to be for the purpose of voting for or against the proposed loan.
933 The passing of the second Resolution calling a Special Election shall be considered the determination of the Town Council
934 to proceed with the matter in issue.

935 (4) The notice of the time and place of holding the said Special Election shall be printed in two (2) issues of a
936 newspaper having a general circulation in the Town of Georgetown within thirty (30) calendar days prior to the said Special
937 Election and/or distributed in circular form at least fifteen (15) calendar days prior to the Special Election, or both, at the
938 discretion of the Town Council.

939 (5) At the said Special Election, every bona fide resident of the Town of Georgetown shall have one vote and, in
940 addition, every person, partnership or corporation owning property within the corporate limits of the Town of Georgetown
941 shall also have one vote and the said votes may be cast either in person or by absentee ballot.

(6) The Town Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) calendar days prior to the said Special Election. The Special Election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The **Mayor** of the Town of Georgetown, by and with the advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of Special Election. The polling place shall remain open for not less than six (6) hours, the times to be determined by the Town Council on the date set for the Special Election.

(7) The Special Election shall be held according to all applicable criteria prescribed in Section 3.4.4 (4) and (5) of this Charter. The Board of Special Election shall operate according to all applicable criteria prescribed for a Board of Elections contained in Section 3.4.4 (6) through (11) of this Charter. No action to challenge the results of the Special Election may be filed after the expiration of thirty (30) calendar days from the date the Special Board of Election announces the results of the Special Election.

(8) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the classes of the bond, the time or times of maturity, and the provisions as to registration shall be determined by the Town Council after the said Special Election.

(9) The bonds may be sold at either public or private sale. If it is determined to sell the bonds at public sale, they shall be offered for sale to the best and most responsible bidder therefore after advertisement in a manner to be described by the Town Council.

(10) The Town Council shall provide in its budget and in the fixing of the rate of tax for the payment of interest on and principal of the said bonds at the maturity thereof.

(11) The faith and credit of The Town of Georgetown shall be deemed to be pledged for the due payment of the bonds and interest thereon issued pursuant to the provisions hereof when the same had been properly executed and delivered for value.

(b) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of seventy-five percent (75%) of the assessed value of real property situate within the limits of the Town of Georgetown shown by the last assessment proceeding the creation of the said indebtedness. Debt which has been advance refunded with proceeds of the advance refunding sufficient to pay principal and interest on the debt to the first allowable call date having been irrevocably deposited in trust with a Delaware bank irrevocably with instructions to make no investment of the funds deposited other than in guaranteed or direct obligations of the United States shall not be counted as indebtedness.

(c) Notwithstanding the foregoing provisions of this Section, The Town Council, after conducting a public hearing, may authorize the issuance of bonds, certificates of indebtedness, notes or other obligations of the Town under this

972 Section in an aggregate amount of up to \$5,000,000 outstanding at any time, without regard to the requirements set forth in
973 paragraphs (3) - (8) of Section 5.9 (a), if: (i) the funds to be borrowed are from a Federal or State source; (ii) the interest
974 rate on such borrowing is fixed at zero (0%) percent; (iii) the borrowing comes with one hundred (100%) percent
975 forgiveness of principal upon successful completion of the project financed with funds borrowed pursuant to this paragraph
976 (c); and (iv) the Town Council, by Resolution (adopted by at least a majority of all of the members of Town Council)
977 approves of the issuance of bonds, certificates of indebtedness, notes or other obligations pursuant hereto for a proper
978 municipal purpose with such Resolution stating the amount of such issuance, or borrowing, the purpose of such issuance or
979 borrowing, the manner, if any, of securing the same, that the amount of all other bonds, certificates of indebtedness, notes
980 and other obligations issued pursuant to this paragraph (c) does not exceed \$5,000,000 and any other facts relating to the
981 issuance which are deemed pertinent by the Town Council and in its possession at that time. Except for the provisions of
982 paragraphs (3) - (8) of Section 5.9 (a), all other provisions of this Section 5.9, if not in conflict, shall be applicable to the
983 bonds, certificates of indebtedness, notes and other obligations issued pursuant to this paragraph (c).

984 **5.10 Tax Increment Financing and Special Development Districts.**

985 In addition to all other powers the Town Council may have, and notwithstanding any limitation of
986 law, the Town Council shall have all powers and may undertake all actions for the purposes set forth in, and in
987 accordance with 22 Del.C. Ch. 17, relating to the Municipal Tax Increment Financing Act, and 22 Del.C. Ch. 18, relating to
988 Special Development Districts.

989 **Article VI**

990 **Miscellaneous**

991 **6.1 Streets**

992 (a) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and
993 alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall
994 deem it for the best interest of the Town. The jurisdiction of the Town Council under this Section shall be concurrent with
995 the jurisdiction of the Superior Court of the State of Delaware to vacate public roads, bridges and all of the right-of ways
996 pursuant to 17 Del.C. Ch. 13, or any other similar statutory provision.

997 (b) The procedure to be used for any of those things heretofore listed in this Section shall be as
998 follows:

999 (1) Whenever five (5) or more property owners in a portion of the Town directly affected or abutting on the
1000 proposed street to be opened, laid out, changed, altered, widened, vacated or closed shall by written petition with each
1001 signature duly acknowledged request the Town Council to lay out, locate, or open a new street or to widen or alter any

1002 existing street or any part thereof or to vacate or abandon a street or any part thereof, the **Mayor** of the Town of
1003 Georgetown shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to
1004 investigate the possibility of changing the structure of said streets in the Town. The petition presented to the Council by the
1005 property owners shall include a description of the property through which the proposed street shall be laid out or
1006 description of the street on which any of the other actions heretofore described shall take place and the reasons why the
1007 change in the structure of the streets of the Town should be undertaken; or the Town Council, by a majority vote of the
1008 elected members thereof may, by resolution, propose that a committee composed of not less than three (3) of its elected
1009 members be appointed by the **Mayor** to investigate the possibility of changing the street structure of the Town.

1010 (2) Not later than ninety (90) calendar days following its appointment, the committee shall submit a report
1011 concerning its findings to the **Mayor** and to the Town Council. The report shall contain the advantages and disadvantages
1012 to the Town caused by the changes of the street structure and shall contain the conclusion of said committee either
1013 recommending or disapproving the change of said street structure. If the report of the committee appointed by the **Mayor**
1014 recommends changing the existing street structure of the Town of Georgetown, the Council, by Resolution, passed by a
1015 majority of the elected members of the Town Council concurring therein, shall propose to the property owners and citizens
1016 of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things
1017 herein before described to the existing street structure of the Town. If the report of the committee appointed by the **Mayor**
1018 is not in favor of changing the existing street structure of the Town of Georgetown, the Resolution proposing the change in
1019 the street structure to the property owners and citizens of the Town of Georgetown shall be passed by a majority of three-
1020 fourths (3/4ths) of the elected members of the Town Council. The Resolution shall contain a description of the proposed
1021 change and shall affix a time and place for a public hearing on the matter of changing the street structure. The Resolution
1022 adopted by the Town Council shall be printed in a newspaper having a general circulation in the Town of Georgetown, or,
1023 in the discretion of the Town Council, the Resolution shall be posted in five (5) public places in the Town for at least one
1024 (1) week before the time set for the public hearing. The notice shall be published at least one (1) week prior to the date set
1025 for the said public hearing. The Resolution shall also state the hour and place where and when the Town Council shall sit to
1026 hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed
1027 change in the existing street structure of the Town.

1028 (3) Whenever the Town Council shall have determined to locate or lay out or widen any
1029 street, lane or alley and shall have affixed compensation therefore, it shall be the duty of the Town Council
1030 immediately after the survey and location of said street, lane or alley, to notify by certified mail with return receipt
1031 requested and postage prepaid the owner or owners of the real estate through or over whom such street, lane or alley may

1032 run of their determination to open or widen the same and to furnish a general description or location thereof; also the
1033 amount of compensation or damages allowed to reach such property owner, and if such owner be not a resident of the
1034 Town, to notify the holder or tenant of said real estate and the owner of such property if the owner's address be known; that
1035 there be no holder or tenant resident in said Town and the address of the owner be unknown or if there is a holder or tenant
1036 and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be
1037 dissatisfied with the amount of compensation or damages allowed by the Town, as aforesaid, said property owner may,
1038 within fifteen (15) calendar days after such notice, as aforesaid, was posted or mailed, appeal from written notice of
1039 assessment or compensation or damages by serving written notice by certified mail with return receipt requested and
1040 postage prepared, on the **Mayor** of the Town to the effect that he or she is dissatisfied with the amount of such
1041 compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior
1042 Court of the State of Delaware in and for Sussex County, for the appointment of a commission to hear and determine the
1043 matter in controversy; and in order to prosecute said appeal, such owner shall, within fifteen (15) calendar days after
1044 serving said notice upon the **Mayor** as aforesaid, make written application to said Judge of the Superior Court of the State
1045 of Delaware, in and for Sussex County, for the appointment of such a commission; and thereupon the said Judge shall issue
1046 and appoint a commission directed to five (5) property owners of said county, three (3) of whom shall be residents of the
1047 Town of Georgetown, and two (2) of whom shall be nonresidents of said Town, requiring them to assess the damages
1048 which the owner of the real estate through or over which the said street, lane or alley shall pass or who shall have suffered
1049 damage because of any other action taken by the Town pursuant to the provisions hereof and who shall have notified the
1050 said Town Council of their intention to appeal may incur by reason thereof and to make a return of their proceeding to the
1051 said Judge at the time therein appointed.

1052 (4) The property owners named in such commission, being first duly sworn or affirmed, shall view the premises
1053 and may, or a majority of them, shall assess the damages, as aforesaid, and shall make return in writing of their proceedings
1054 to the said Judge who shall deliver and return to the Town Council which shall be final and conclusive. The said Judge shall
1055 have the power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may
1056 pay or tender the same to the person or persons entitled thereto within thirty (30) calendar days after the same shall be
1057 finally ascertained or if the person or persons so entitled reside out of or are absent from the Town during the said period of
1058 thirty (30) calendar days, then the same shall be deposited to his or her credit in any bank or trust company, with offices in
1059 Georgetown, Sussex County, Delaware, within said time and thereupon the said property or lands may be taken or occupied
1060 for the use as aforesaid.

1061 (5) If the ascertainment and assessment of damages by the property owners appointed by the Judge, as aforesaid,
1062 shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Town Manager
1063 belong to the Town, but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing.
1064 The said property owners members of the commission shall receive and be entitled for each day's actual service or of any
1065 part of a day the reimbursement of reasonable expenses. After the damage shall be fixed and ascertained by the property
1066 owners, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with
1067 the said improvements or, upon the payment of the costs only, may abandon the proposed improvements. In the event that
1068 either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted
1069 at the Supreme Court of the State of Delaware.

6.2 Curbing And Paving

1071 (a) Whenever the Town Council shall have determined that any paving, graveling, curbing, or any or all of them
1072 shall be deemed necessary in order to maintain public health and or public safety, it shall cause a notice to be sent to the
1073 property owner or owners along or in front of whose premises the same is to be done, particularly designating the nature
1074 and character thereof and thereupon it shall be the duty of such property owner or owners to cause such paving, graveling,
1075 and/or curbing, or any of them, to be done in conformity with said notice. In the event any property owner or owners
1076 neglect to comply with said notice for the space of thirty (30) calendar days, the said Town Council may proceed to have
1077 the same done and when done, the Town Manager shall, as soon as convenient thereafter, present to the property owner or
1078 owners of such lands a bill showing expenses of such paving, graveling, and curbing, or any of them. If such property
1079 owner or owners be not residents in the Town of Georgetown, such bills shall be sent by certified mail with postage prepaid
1080 or to such property owner or owners directed to him, her or them at the last known address. If such bill be not paid by the
1081 property owner or owners of such lands within sixty (60) calendar days after the presentation thereof, as aforesaid, the
1082 Town Manager shall proceed to collect the same in the same manner and under the same terms and conditions as are
1083 provided for the collection of delinquent taxes.

1084 (b) Any notice sent to one co-owner shall be notice to all property owners and in the case of no property owners
1085 shall reside in said Town, notice served as set forth herein or posted upon the premises shall be sufficient.

1086 (c) The provisions contained herein shall apply to any order made by the Town Council in respect to any
1087 pavement, sidewalk or curb heretofore made or done which the said Town Council may deem insufficient or need repairing.

6.3 Notice of Actions Or Suits

1089 No action, suit or proceeding shall be brought or maintained against the Town of Georgetown for damages, either
1090 compensatory or punitive on account of any physical injury to property by reason of the negligence, simple, gross, or

1091 willful or wanton of the said Town of Georgetown, or any of its departments, officers, agents, servants or employees unless
1092 the person by or on behalf of whom such claim or demand is asserted, within one (1) year from the happening of said injury
1093 or the suffering of such damages shall notify the Town of Georgetown in writing of the time, place, cause, character and
1094 extent of the injury sustained or damages suffered. Such notice shall be directed to the **Mayor** of the Town of Georgetown
1095 by certified mail with return receipt requested and postage prepaid.

1096 **6.4 Compendium**

1097 It shall be the duty of the Town Council, at reasonable time or times, to compile the ordinances,
1098 current regulations, orders and rules of the Town of Georgetown. The Town Council shall have a reasonable
1099 number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the
1100 enactment of new ordinances, current rules and regulations, or upon the enactment of amendments to same, the Town
1101 Council shall enroll the same in the minutes of the Town Council and shall keep copies of the same in a book to be
1102 provided for the purpose so that the same may be readily examined. It shall furnish the **Mayor** of the Town of Georgetown
1103 copies thereof as they are enacted as therefrom any cause supplements to be compiled and printed to any compendium
1104 thereof heretofore printed as above provided.

1105 **6.5 Revival Of Powers And Validating Section**

1106 (a) All powers conferred upon or vested in the Town Council of the Town of Georgetown by any act or law of the
1107 State of Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in the
1108 Town of Georgetown and/or the Town Council of the Town of Georgetown precisely as if each of said powers was
1109 expressly set forth in this Charter.

1110 (b) All ordinances adopted by the Town Council of Georgetown and in force at the time of approval, acceptance
1111 and going into effect of this Charter are continued in force until the same or any of them shall be repealed, modified or
1112 altered by the Town Council of the Town of Georgetown under the provisions of this Charter.

1113 (c) All of the acts and doings of the Town Council of Georgetown or of any official of the Town Council of
1114 Georgetown which shall have been lawfully done or performed under the provisions of any law of this State or of any
1115 ordinance of the Town Council of Georgetown or under any provision of any prior Charter of the Town Council of the
1116 Town of Georgetown, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and
1117 confirmed, unless otherwise provided herein.

1118 (d) All taxes, assessments, license fees, penalties, fines, and forfeitures due the Town Council of
1119 Georgetown shall be due the Town of Georgetown and all debts due from the Town Council of Georgetown shall
1120 remain unimpaired until paid by the Town of Georgetown.

1121 (e) All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other
1122 charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore
1123 lawfully imposed by the Town Council of Georgetown.

1124 (f) The bonds given by or on account of any official of the Town Council of Georgetown shall not be impaired or
1125 affected by the provisions of this Charter.

1126 (g) All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter be and the same are
1127 hereby repealed to the extent of any such inconsistency.

1128 (h) If any part of the Charter shall be held to be unconstitutional or invalid by a Court of competent jurisdiction,
1129 such holding shall not be deemed to invalidate the remaining provisions of this Charter.

1130 (i) This Charter shall be taken as and deemed to be a Public Act of the State of Delaware."

SYNOPSIS

The Town of Georgetown appointed a seven (7) member charter review committee to address mainly house-keeping revisions to its charter. The Committee met twice a month over several months to review and revise its charter. The result is their re-incorporated bill.

The main substantive changes are as follows:

- A Preamble was added;
- Territorial limits will be established by a recorded map instead of as described as "1/2 mile in every direction from the center of the Public Square";
 - The Annexation procedures were removed from the Charter (other than requiring contiguity and at least a majority of property owners in favor of being annexed) and will be detailed by ordinance;
 - Makes it clear that the **Mayor** is part of the Town Council;
 - For purposes of qualifications to be a Council member or Mayor, the Charter defines "bone fide resident";
 - The Election procedures now follow Title 15 Municipal Elections;
 - The Charter clarifies how vacancies on Council occur and how these vacancies may be filled including by special election instead of appointment of a majority of Council;
 - The Alderman section is amended to track the recently amended Dewey Beach charter (Georgetown does not currently have an alderman).
 - An ethical code has been adopted by the Town and the Charter references its principles and a requirement to take an ethical oath;
 - The Town Manager has authority to manage the water, sewer and streets;
 - Annual property taxes are limited to 10% of gross assessed value;
 - Bond issuance not by referendum of up to 5 million dollars if from federal or state issuers at zero interest with 100% forgiveness upon successful completion of the project.

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