

## **Blades**

### **Section 1. Incorporation**

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

### **Section 2. Territory and Limits**

The territory and limits of the Town of Blades are hereby established and declared as recorded on the official map of record in The Office of The Recorder of Deeds in and for Sussex County, Delaware as presently existing and as hereinafter amended. 74 Del. Laws, c. 407; 75 Del. Laws, c. 196; 76 Del. Laws, c. 44; 77 Del. Laws, c. 299;

### **Section 3. Annexation of Territory**

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

(a) If any property owner or owners of a territory contiguous to the then limits and territory of The Town of Blades, by written petition with the signature of each such petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they reside and own property, the Mayor of The Town of Blades shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation or, the Town Council, by a majority vote of the elected members thereof, may, by resolution, propose that a committee, composed of not less than three (3) of the elected members of said Town Council, be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of The Town of Blades. 81 Del. Laws, c. 293.

(b) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town and to the territory proposed to be annexed and shall contain the committee's recommendations whether to proceed with the proposed annexation and the reasons, therefore. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second resolution shall then be passed by the Town Council proposing to the property owners and residents of both the Town and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the committee, the resolution proposing to the property owners and residents of both the Town and the territory proposed to be annexed shall be passed by the affirmative vote of three-fifths of the elected members of the Town Council. If the resolution shall fail to receive the affirmative vote of three-fifths of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one year from the date that the resolution failed to receive the required affirmative vote. The second resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing about the proposed annexation. The resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper published in The Town of Blades at least one week prior to the date set for the public hearing, or, if no newspaper is published in the Town, publication shall be had in a newspaper having a general circulation both in the Town and in the territory proposed to be annexed, or, at the discretion of the Town Council the said resolution shall be posted in at least three [3] or more public places (including

the Town Hall, a newspaper, as well as other digital media) both in the Town and in the territory proposed to be annexed.

(c) Following the public hearing, the Town Council shall vote on a Resolution to proceed with the annexation, but in no event later than thirty (30) days thereafter. If the Town Council approves the Resolution to proceed with the annexation, then implementation of this decision must wait thirty (30) days, during which the citizenry of Blades has up to thirty (30) days to file a petition with the Town Manager or designee requesting that a referendum be held on the Town Council's decision to annex. If a petition includes over 10% of Blades' eligible voters able to vote in a referendum or if the annexation petition was not initiated by contiguous property owners, then the Town Council shall order a Special Election to be held not less than forty-five (45) days nor more than sixty (60) days after the Town Council vote about the proposed annexation. The passage of this resolution shall ipso facto be considered the Town Council's determination to proceed with the matter of the proposed annexation. If no valid petition requesting a referendum was presented, the petition to annex was initiated by contiguous property owners, and if the Town Council vote to proceed was unanimous, then no referendum is necessary. 81 Del. Laws, c. 293.

(d) The notice of the time and place of holding the said Special Election shall be printed within thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper of general circulation within the Town, or at the discretion of the Town Council, the said notice may be posted in at least three [3] or more public places (including the Town Hall, a newspaper, as well as other digital media) both in the Town and in the territory proposed to be annexed, at least fifteen (15) days prior to the date of the Special Election.

(e) At the Special Election, every property owner, whether an individual, a partnership, or a corporation, both in the Town and in the territory proposed to be annexed, shall have one (1) vote. Every citizen of either the Town or of the territory proposed to be annexed who is not a property owner shall have one (1) vote. In the case of property owned jointly each shall have one (1) vote. If a person is the owner of property in the Town and is also an owner of property in the territory proposed to be annexed and resides in either place, they may vote only where they reside. If a person is the owner of property in the Town and is also an owner of property in the territory proposed to be annexed but does not reside in either place, they may vote only in the Town, and not in the territory proposed to be annexed. The books and records of The Town of Blades in the case of Town property owners and the books and records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed shall be conclusive evidence of the right of such property owners to vote at the Special Election. If an individual holds a Power of Attorney duly executed and acknowledged and specifically authorizing said person to cast the votes of a partnership or corporation at the said Special Election, a duly authenticated copy of the Power of Attorney shall be filed in the office of the Town Administrator. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of the person so named to cast the votes of another person or to cast the votes of a partnership or a corporation at the Special Election.

(f) The Council shall make available the required number of voting machines not less than five (5) days prior to the date of the Special Election.

(g) The form of the ballot shall be approved by a three-fifths vote of the Town Council and shall allow voters to vote either for or against the proposed annexation.

(h) The Mayor shall appoint three (3) persons to act as a Board of Special Election, at least one of whom shall reside and be the owner of property in the Town, and at least one of whom must reside and be the owner of property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted at a designated location within town limits and the Board of Special Election shall have available two clearly marked voting areas. A voting machine for those persons, partnerships, or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be placed in one voting area and all votes cast by those persons, partnerships or corporations who are authorized to vote as residents or property owners of the Town shall be deposited in the other voting area. The polling places shall be open from 2:00 P.M. until 7:00 P.M., prevailing time, on the date set for the Special Election.

(i) Immediately upon the closing of the polling place, the Board of Special Election shall count the votes for and against the proposed annexation and shall announce the result at the Town Hall that night and next public Town meeting; the Board of Special Election shall make a certificate under their hands of the number of votes

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cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to the Town Council. The said certificate shall be filed with the papers of the Council.

(j) Except as provided in paragraph (k) of this Section 3, for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. If the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Blades shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County, in Georgetown, Delaware, without approval of any board, agency, commission or governing body being required. In no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be a part of The Town of Blades from the time of said recordation. The failure to record the description and plot within the specified time shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) days period from the date of favorable Special Election. 81 Del. Laws, c. 293.

(k) If no referendum is required, the Town Council of The Town of Blades shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County, in Georgetown, Delaware, without approval of any board, agency, commission or governing body being required. In no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be a part of The Town of Blades from the time of said recordation. The failure to record the description and plot within the specified time shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) days period from the date of favorable Special Election. 81 Del. Laws, c. 293.

#### **Section 4. Structure of Government**

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Mayor and Town Council. The term of the Mayor shall be a period of three [3] years commencing at the Annual Meeting of the Town Council following his/her election and continuing until their successor is duly elected and qualified.

The Town Council shall be composed of five (5) members, each of whose terms shall be for a period of three [3] years commencing at the Annual Meeting of the Town Council following their election and continuing until their successor is duly elected and qualified.

The Mayor of The Town of Blades and each member of the Town Council of the Town of Blades shall receive a maximum salary of Three Thousand Dollars (\$3000.00) per annum.

#### **Section 5. Qualifications for Mayor and Town Councilman**

The qualifications for Mayor and for City Councilman at the time of their election shall be as follows:

(a) A Bona-fide citizen of the United States and of the State of Delaware and a resident of the Town of Blades for at least 30 days preceding the Municipal Election.

(b) At least twenty-five (25) years of age and in good standing with the town and no delinquent past due debts owed to the town.

(c) Each of the qualifications for the Mayor and the Town Council members shall be continuing qualifications to hold office and the failure of either the Mayor or any of the Town Council members to have any of the qualifications required by this Section during their term of office shall create a vacancy in the office.

(d) For all purposes of this Charter, the word "freeholder" shall be deemed to include any person who holds fee simple title to real estate either in their own name, as a tenant in common, as a joint tenant, or as a tenant by the entirety.

(e) The Mayor or any of the Town Council Members cannot be related, i.e., Spouse, children, stepchildren, parents, siblings, step parents, step brothers step sisters, grandparents, in-laws.

(f) Cannot be found guilty of any felony

**Section 6. Method of Making Nominations for Mayor and Town Councilman**

Each candidate for Mayor and Town Council members shall be nominated as follows:

(a) Each candidate shall notify the Town Administrator in writing of their candidacy for the office of either Mayor or Town Council member.

(b) All such notifications of candidacy must be filed at the office of the Town Administrator during the regular business hours of the Town at least thirty (30) days prior to the date of the election next ensuing; and thereupon, it shall be the duty of the Town Administrator to have a list of names of all candidates so filed with them printed in a newspaper of general circulation in The Town of Blades at least seven (7) full days prior to the said election next ensuing; or in the discretion of the Town Council, the Town Administrator may post a list of the names of all candidates designating the office sought by each candidate in at least three (3) or more public places in the Town, such public places to be designated by the Council. One of the said public places shall be in the Town Hall of The Town of Blades. 77 Del. Laws, c. 299; [Stores, Newspapers or Websites]

(c) If the Town Administrator is unable to act because of illness, absence, or for any other reason whatsoever, the names of all candidates shall be filed with the Vice- Mayor of the Town Council who shall thereupon perform the duties required of the Town Administrator in subsection (b) of this section.

**Section 7. Manner of Holding Municipal Election**

The procedure for holding the Municipal Election shall be as follows:

- (a) The Municipal Election shall be held at the Town Hall in The Town of Blades on the first Saturday in April from 12:00 o'clock in the afternoon until 7:00 o'clock in the evening. Municipal Election to be held pursuant to this Charter to be held on the first Saturday in April, if there is no contest for any elected office in any particular year, it shall be unnecessary to open the polls and the persons whose terms expire shall be deemed to be elected for another full term. 77 Del. Laws, c. 299
- (b) At the Municipal Election to be held on the first Saturday in April, the term of office for each member of the Town Council and the Mayor shall be three (3) years, or until their respective successors shall be duly elected and qualified.
- (c) The Mayor and two (2) Council members of the Town Council shall be elected odd three (3) years .and three (3) members of the Town Council shall be elected in even three (3) years.
- (d) Prohibition of employment with the Town. Neither the Mayor nor any member of the Town Council shall be employed by the Town in any capacity during their term of office.
- (e) The Mayor of The Town of Blades and each member of the Town Council of the Town of Blades who hold office at the time of the passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.
- (f) The Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two Judges appointed by the Mayor of The Town of Blades with the concurrence of a majority of the members of the Town Council at the last regular meeting of the Town Council prior to the date of the Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote thereat, taking reasonable steps to see that the law pertaining to the Municipal Election receives compliance and for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Municipal Election shall not be present at the polling place at the time designated for the holding of the Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Municipal Election to elect from among themselves a person to fill each vacancy in such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Municipal Election.
- (g) At such Municipal Election, every person, male or female, who shall have attained the age of eighteen (18) years on the date of the Municipal Election and who shall have been a citizen of the United States for a period of one (1) year and a citizen of The Town of Blades for a period of thirty (30) days preceding the date of the Municipal Election shall have one (1) vote. The Town of Blades will be utilizing the State of Delaware, Sussex County Elections Log for the upcoming election. Only individuals who are registered with the state will be eligible to vote in town elections. The Town will no longer require separate registration. All voters will need to show

proof of residency of Town of Blades. This may be a State of Delaware driver's license, State of Delaware identification card, a federal or state tax return with town address, a Town of Blades water bill or real estate property tax bill or other acceptable proof of residency or ownership in the Town of Blades.

- (h) The Town of Blades will accept absentee ballots in accordance with the Delaware Code, Title 15, Chapter 75, Subchapter V. 77 Del. Laws, c. 299;

### **Section 8. Organization and Annual Meetings of Council**

(a) Before entering upon the duties of their respective offices, the Mayor-elect, and the Council members-elect, shall be sworn by a Notary Public or Justice of the Peace to perform faithfully and impartially the duties of their respective offices with fidelity. At 7:00 o'clock p.m. at the first regular meeting following the annual election, the Mayor and Town Council shall meet in a public meeting place and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(b) At this annual meeting, held on the first regular meeting following the Municipal Election, the Town Council shall organize and elect, by open vote or ballot, a Vice-Mayor, who shall hold office for the term of one year, or until their Successor shall be duly elected. The Town Council shall also choose an Administrative Assistant to serve until the first regular meeting after the next Municipal Election, who may or may not be from among their own members and such other officers and employees as may be determined to be necessary.

### **Section 9. Regular and Special Meetings**

- (a) The Town Council of The Town of Blades shall hold one meeting in each month on the second Monday of the month. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Blades, or upon the written request of any two members of the Town Council of The Town of Blades, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered. The Secretary of the Town Council shall post or cause to be posted in at least three (3) or more public places (including the Town Hall, as well as digital media) within the corporate limits of The Town of Blades at least forty-eight (48) hours before the time of the special meeting. 77 Del. Laws, c. 299
- (b) The Town Council may hold emergency meetings, at the request of the Mayor of The Town of Blades, in cases where said meeting is necessary for the immediate preservation of the public peace, health, or safety. Emergency meeting notice shall follow any notice requirements denoted by the Freedom of Information Act of the Delaware Code, as amended from time to time.

### **Section 10. Quorum**

A minimum of three (3) members elected to the Town Council and the Mayor shall constitute a quorum for a regular or special meeting.

### **Section 11. Rules and Minutes of Council**

(a) The Council shall determine its own rules and order of business and shall keep a record of its proceedings, and the yeas and nays shall be entered in the record with the text of the ordinance or resolution.

(b) Ordinances and Resolutions must be read at two (2) different Town Council Public Meetings before they are placed into effect.

### **Section 12. Vacancies**

(a) If any vacancy shall occur in the office of Town Council member, by death, resignation, loss of residence in The Town of Blades, refusal to serve, failure to elect, or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council. The person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members, and shall hold office for the remainder of the unexpired term

(b) If a vacancy shall occur in the office of Mayor, by death, resignation, loss of residence in The Town of Blades, refusal to serve, failure to elect, or otherwise, the same may be filled by the duly elected Vice-Mayor

and It shall be the duty of the Vice-Mayor of the Town Council, in the absence of the Mayor, to preside at all meetings of the Town Council, In the event of the absence of the Mayor the Vice-Mayor shall perform such other duties and have such other Powers of the Mayor as are prescribed by the Charter of the Town of Blades or by any ordinance of the Council until a regularly scheduled election can be held or the term of the absent mayor has expired.

**Section 13. Disqualifications**

If any Council member or Mayor, during their term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment, for any term whatever, or shall for any reason cease to be resident of said Town, they shall forthwith be disqualified to act as a member of Council or Mayor, and their office shall be deemed vacant and shall be filled by Council, as aforesaid. Council members and/or the Mayor shall be disqualified to act as a member of Council or Mayor if they have three (3) consecutive absences from regular council meetings within a twelve-month period.

**Section 14. Contracts**

(a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, work or labor for the benefit and use of The Town of Blades with any member of the Town Council or the Mayor or with any partnership in which any member of the Town Council or the Mayor is a general partner or with any corporation in which any member of the Town Council or the Mayor is a director or controlling stockholder or with any firm or company which any member of the Town Council or Mayor is pecuniarily interested, provided that if all the other elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by three (3) sealed competitive bids and the awarding of contracts to the lowest responsible bidder. All bids will be opened at the next town public meeting, provided however, that competitive bidding shall not be required in any of the following circumstances:

1. The aggregate amount involved is not more than Two Thousand Dollars (\$2,000.00).
2. The purchase or contract is for personal or professional services.
3. The purchase or contract is for any service rendered by a university, college or other educational institution.
4. The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof.
5. The purchase or contract is for property or services for which it is impracticable to obtain competition.
6. The public exigency as determined by the Town Council will not permit the delay incident to advertising.
7. A public emergency as determined by the Town Council exists.

**Section 15. Duties of the Mayor**

(a) The Mayor of The Town of Blades shall preside at all meetings thereof but shall vote only in the event of a tie. The Mayor of the town council shall appoint all committees.

(b) The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all members of the Council, remove from the office any person appointed by the mayor or by any of their predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five days' notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and a fair hearing, if such a request is received by the Mayor by registered mail with return receipt requested ten (10) days following the date that notice of removal is received by such person.

(c) The Mayor may appoint such other committees as they deem necessary for the proper administration of The Town of Blades or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(d) All appointments, hiring and firing of employees with approval by the Town Council. All employees shall be hired for an indefinite term and may be removed with cause by the Town Council at any time.

#### **Section 16. Town Administrator**

(a) The Mayor of The Town of Blades, by and with the advice of a majority of all the elected members of the Town Council, shall appoint a Town Administrator who shall be the Chief Administrative Officer of the Town.

(b) The Town Council shall impose such qualifications for Town Administrator as may be deemed necessary; PROVIDED, HOWEVER, that no person holding the Office of Mayor of the Town of Blades, or the Office of Town Council members nor shall any parent, child, brother or sister of the Mayor or Council members of the Town of Blades be appointed Town Administrator during the term of office of such Mayor or Council members.

(c) The Town Administrator position classifications criteria, exempt, non-exempt or town employee contract agreement will be determined by the Town Council and may be removed by a majority vote of all the elected members of the Town Council. In the event of a tie, the Mayor of the Town of Blades shall cast the deciding vote. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote, adopt a preliminary resolution stating the reasons for removal. The Administrator may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor more than thirty (30) days after the filing of the request. The request for a public hearing by the Administrator shall be by registered or certified mail with the return receipt requested and shall be addressed to the Mayor of The Town of Blades. After such a public hearing, if one is requested, the Town Council, by a majority vote, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Administrator from duty, with or without salary during the period of suspension, but shall cause to be paid to them any part of their salary which is due and owing at the time of suspension. If no public hearing is requested, the Town Council, at the expiration of thirty (30) days from the date of the preliminary resolution, shall adopt a final resolution either reinstating the Administrator or terminating their employment. For all purposes of this Section, in the event of a tie vote, the Mayor of the Town of Blades shall cast the deciding vote. All members of the Town Council of The Town of Blades who are entitled to vote and who are present shall vote for or against the removal of the Administrator.

(d) The Town Administrator shall give bond with a corporate surety acceptable to the Town Council in an amount determined by the Town Council to be adequate conditioned upon the faithful performance of their duties, the payment to the Town of Blades of all money coming into their hands as Town Administrator from whatever source derived, and in the event of death, resignation, or removal from office, the delivery to their successor of all papers, books, records and other property of the Town of Blades in their hands or under their control. The expense of the bond shall be paid by The Town of Blades.

(e) The Town Administrator shall receive as compensation for their services an annual salary to be fixed from time to time by a resolution of the Town Council, payable in weekly installments. Town administrators must work a minimum of 40 hours per week.

(f) The Town Administrator shall attend all meetings of the Town Council and shall act as Secretary thereof, keeping proper and adequate minutes of its acts and proceedings. The Town Administrator shall attend the Town Hall office Monday thru Friday. The Town Administrator may be required to work on weekends and between such hours as may be directed by the Town Council.

(g) The Town Administrator shall keep a record of all officers, agents and employees of the Town, when elected or appointed, the term of office or employment, and the salary or compensation thereof.

(h) The Town Administrator shall keep the assessment and tax records of the Town with the names of the taxpayers arranged alphabetically showing the tax, a short description of the property, its assessed valuation, and all other assessments and charges due to the Town.

(i) The Town Administrator shall collect all taxes, license fees, water, rentals, and all other money due to be paid to the Town pursuant to the provisions of this Charter or any amendment thereto, or as prescribed by any ordinance or resolution of the Town Council and they shall keep separate, complete and accurate records of all funds received and due to be paid to the Town.

(j) The Town Administrator shall act as Treasurer of The Town of Blades and shall promptly deposit in such bank or trust company designated by resolution of the Town Council all funds that are received, and as may be directed by resolution of The Town Council, keep and maintain separate accounts for funds received from the

payment of taxes, license fees, water, rentals, grants, or otherwise. The Town Administrator shall keep a full and complete record of all disbursements made by them.

(k) It shall be the duty of the Town Administrator to supervise the administration of the affairs of the Town under their charge and to make such reports to the Town Council as are required by it. They shall make such recommendations to the Town Council concerning the affairs of the Town as they believe to be desirable. They shall keep the Town Council advised of the financial condition of the Town and of its future needs. They shall prepare and submit to the Town Council the annual budget estimate that is submitted by each department

(l) In conjunction with the Mayor of The Town of Blades, the Town Administrator shall sign all checks pursuant to appropriations or resolutions made by the Town Council. In the absence of either the Mayor or the Town Administrator, the Vice-Mayor of the Town Council shall sign checks.

(m) The Town Administrator shall prepare and submit to the Town Council such reports as may be required by that body and shall perform such other duties as may be prescribed by this Charter or required of them by ordinance or resolution of the Town Council.

(n) In the event of the absence or disability of the Town Administrator, the Administrative Assistant will perform the duties of such office during their absence or disability.

### **Section 17. Administrative Assistant**

Administrative Assistant position classifications criteria - exempt, non-exempt or town employee contract agreement - will be determined by the Town Council. The duties and powers of the Town Administrator as hereinbefore prescribed shall devolve upon the Administrative Assistant in the absence or inability of the Town Administrator. The Administrative Assistant shall likewise perform such other duties and have such other powers as may be prescribed by resolution by the Town Council of The Town of Blades and shall receive such compensation as the Town Council by resolution shall determine.

### **Section 18. Police Administrative Assistant**

Position classifications criteria are exempt, non- exempt, or employee contract agreement and are determined by the Town Council and the Police Chief. Police Administrative Assistant shall be under the direct supervision of the Chief of Police. This position provides administrative and secretarial support for the Chief of Police.

### **Section 19. Power to Borrow Money and Issue Bonds**

The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of The Town of Blades, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliance, or equipment; for the furnishing of water to the public; for the construction, repair or improvements of highways, streets, or lanes, or the paving, curbing or erection of gutters along the same; or to defray the cost or the share of The Town for the cost of any permanent municipal improvements; provided, however, that the borrowing of money therefor shall have been authorized by the Town Council and shall have been approved by the electors in the manner and at the time following:

(a) Council by resolution shall propose to the electors of the Town by resolution that a stated amount of the money should be borrowed for any of the above purposes. The resolution shall state the amount of the money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession and shall fix a time and place for hearing on the said resolution.

(b) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town or at the discretion of the Town Council, distributed in circular form in at least three (3) or more public places that includes digital form at least one week before the time set for said hearing.

(c) A second resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after said hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling for the special election shall thereafter be considered Council's determination to proceed in the matter in issue.

(d) The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having a general circulation in The Town of Blades within thirty days prior to the election, to be distributed in circular form in at least three (3) or more public places that includes a digital form at least fifteen days prior to the election or both at the discretion of the Council.

(e) At the special election, every owner of property, whether an individual, partnership or corporation, shall have one (1) vote and the said vote may be cast either in person or by proxy. In the case of property owned jointly they shall each have one (1) vote. In the case of all other property owned by more than one property owner either as tenants in common or as joint tenants with the right of survivorship, the vote shall be cast by either tenant in common or by either joint tenant who first presents themselves at the polls.

(f) The Town Council shall be prepared with enough printed ballots and have available a sufficient number of ballots not less than five (5) days prior to the date of the Special Election.

(g) The Mayor shall appoint three (3) persons to act as a Board of Special Election to conduct the Special Election.

(h) The Board of Special Elections shall count the votes for and against the proposed loan; and shall announce the result that night at the Town Hall and at the next Town Public meeting; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificates shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Board of Elections

(i) The form of bond or certificate of indebtedness, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council after said public hearing. The bonds may be sold at either public or private sale as determined by the Town Council. The Council may provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at maturity or maturities thereof, a sinking fund therefor. The full faith and credit of The Town of Blades shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value, and there shall be no limitation upon the amount of taxes which may be raised by taxation for the payment of interest on and principal of any bonded indebtedness whether incurred before or after the passage of this Act.

(j) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of Twenty-five per centum (25%) of the value of the real property situated within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

In the event The Town of Blades should construct or acquire any plant, machinery, appliance, or equipment for the furnishing of water to the outlying communities provided that this authority shall not exceed a distance of One Mile beyond the limits of said Town as set forth herein or as extended by annexation as herein provided, and provided that such extension will not incur indebtedness in excess of the bonded limit of said Town and to do all things necessary to carry out this authority.

## **Section 20. Town Solicitor**

At the May meeting following the Municipal Election, The Town Council of the Town of Blades shall appoint a Town Solicitor. 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 their duty to give legal advice to the Mayor and the Town Council and other officers of the Town and to perform such other legal services as may be required by the Town Council.

## **Section 21. Police Department**

(a) It shall be the duty of the Town Council to appoint a Police Chief, who will hire officers for the Police Department with the approval of the Council. The Town Council and the Police Commissioner shall, from time to time, make rules and regulations as may be necessary for the organization, government, and control of the Police Department. The Chief of Police and the members of the Police Department shall be subject to the direction of the Police Commissioner and the Town Council. They shall preserve peace and order and shall compel obedience within the corporate limits and within One (1) mile outside the corporate limits to the ordinances of the Town and the laws of the State of Delaware. They shall have such other duties as the Town Council shall, from time to time, prescribe.

(b) Each member of the Police Department shall be vested, within One (1) mile of the corporate limits of The Town of Blades, with all the powers and authority of any Constable of Sussex County and in the case of a pursuit of an offender their power and authority shall be without territorial limitations.

(c) Every person arrested shall be delivered by a member of the Police Department, or other police agency, to the County Jail of Sussex County.

## **Section 22. Assessment of Taxes**

Board of Assessment.

(a) Adoption of Sussex County Assessments. The Town Council may elect to use the assessment by the Sussex County Board of Assessment for all property located within the corporate limits of the Town in lieu of making its own independent valuation and assessment of such property. In such event, the assessed values established by Sussex County shall be conclusive for purposes of levying Town taxes, and the Town Council shall have no authority to hear appeals (under Sec. 9.2) regarding same if the Town Council elects to adopt the Sussex County assessments.

(b) As of 2024 Sussex County will conduct a reassessment every five years.

## **Section 23. Assessment Appeals**

(a) Authorization of Appeal. Any aggrieved property owner may appeal (1) his/her property assessment and (2) additions to his/her tax bill pursuant to the provisions of this Section and procedures established by Sussex County.

(b) Appeals Day. On the day set for such appeals, the Board of Assessment Review will hear appeals from the said assessment and correct and revise the assessment as deemed appropriate. The Board of Assessment Review shall have full power and authority to alter, revise, increase, or reduce the said assessment. The decision of a majority of the Board of Assessment Review shall be final and conclusive, unless an appeal is taken to the Superior Court of the State of Delaware in and for Sussex County within thirty (30) days from the date of the Board's decision.

## **Section 24. Levy of Annual Taxes**

(a) At the Annual Budget Meeting, after having revised and completed the assessment, the Town Council shall determine, to their best judgment and knowledge, the total amount necessary to be raised by the Town to meet all fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies; provided, however, that for the period from the end of the present fiscal year until December 31, the Town Council shall use the current assessment and tax rate and shall prorate the amount of taxes due for the period from the end of the present fiscal year until December 31; and provided further, that the Town Council of the Town of Blades shall employ the procedures of this Section in levying taxes to be paid for the period beginning January 1 and ending December 31, and for each fiscal year thereafter. The fiscal year coincides with the calendar year.

(b) It shall then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source.

The Town Council shall then proceed to determine, assess, fix and/or levy the following:

1. The rate of tax on real estate and on improvements located thereon per \$100 of assessed value may increase by a resolution
2. The amount of the administrative processing fee for collection of taxes on each property.
3. The rates to be charged for the supply of water.
4. The several license fees to be charged for carrying on or conducting of the several businesses, professions, or occupations.

(c) Immediately after the first regular meeting in November of every year, the Town Council shall make, or cause to be made, a full, true and correct annual tax list showing the amount of tax levied against each taxable thereon from the above-mentioned sources.

(d) The Town Council shall cause to be delivered to the Town Administrator a duplicate of said annual tax list, and the Town Administrator shall immediately proceed to collect the taxes.

### **Section 25. Collection of Annual Taxes**

(a) All taxes so levied or imposed by the Town of Blades in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed, of which such taxable was seized, at any time after such taxes have been levied and imposed, that is situated in The Town of Blades. Such lien shall have preference and priority to all other such liens on real estate or upon improvements located thereon created or suffered by said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided, that the lien for such Town taxes shall remain a lien for a period of ten (10) years from the date upon which the Town Council shall deliver unto the Town Administrator the tax list therefor. If such real estate remains the property of such person or persons who owned it at the time the tax was laid, then the lien shall not be extinguished until the tax is collected

(b) All taxes shall be paid to the Town Administrator of The Town of Blades, and all taxes shall be due and payable to the town of Blades on February 28th for the upcoming calendar year.

(c) In the collection of taxes, the Town Administrator shall, on all taxes paid on or after the first day of January and on or before February 28<sup>th</sup> next succeeding the delivery of the annual duplicate tax list to the Town Administrator, there shall be no deduction or abatement. On all taxes paid after the last day of February next succeeding the delivery of the annual duplicate tax list to the Town Administrator, there shall be added an amount equal to two percent (2%) per month for every month such taxes shall remain unpaid.

(d) The Town Council may impose an administrative processing fee for the collection of taxes on each property within the limits of the Town; said administrative processing fee shall not exceed fifty dollars (\$50.00) and shall be determined by the Town Council. Said administrative processing fee, in the case of both resident and non-resident real estate owners, shall be in addition to the assessment levied on the real estate so owned by and assessed against the property or household.

### **Section 26. Enumeration of Powers**

Not by way of limitation upon the power vested in the Town Council to exercise all powers delegated by this Charter to the municipal corporation except as may expressly appear herein to the contrary, but, rather, by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by said Town Council in the interest of good government and the safety, health and welfare of the Town, its inhabitants and affairs that is to say:

1. To prohibit all gaming and fraudulent devices in public places.
2. To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games.
3. To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipe line, or portion thereof, in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with appropriate state agencies including but not limited to the Delaware Department of Transportation (DELDOT) for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway, or other highway within the Town.
4. To purchase or otherwise acquire, or to construct, lay out, fence and maintain one or more cemeteries within the corporate limits of The Town of Blades and to use or permit the use thereof for the burial of human beings.
5. To enforce the removal of snow, ice, dirt or other foreign substances from sidewalks and gutters by owners or abutting owners.
6. To prohibit, remove, or regulate the erection and maintenance of any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection of projection in, over, upon or under any street, highway, alley,

lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the Town.

7. To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.
- ~~8.~~ To provide an ample supply of pure water for The Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control, and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in and about the collection, storage, purification, conveyance, distribution or sale of water; to regulate and prescribe for what private or public purposes the water furnished by the municipal corporation may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury or damage to or interference with the water system or 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 municipal corporation itself.
- ~~9.~~ To fully control within the Town the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the Town, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.
10. To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the Town Council shall deem wise, to use the present and future streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the Town and to the persons, firms, or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting wharves and piers, and for the purposes of vending any article of merchandise or service upon, or from any vehicle upon any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.
11. To regulate and control the exercise of any license or franchise mentioned in **Section 26 (10)** of this Charter or intended so to be.
12. To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.
13. To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.
14. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.
- ~~15.~~ For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the Town; and make particular provisions for particular zones of districts with regard to building or building materials; and, generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under and by virtues of 22 **Del.C.** §301 et seq., and all amendments thereto.
16. To regulate the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.
17. To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding One Thousand Dollars (\$1000.00) or sixty (60) days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.
18. To allow for the organization of a fire department and do all things necessary for the prevention and extinguishment of fires with unlimited water supply.

19. The town may purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water, license fee, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the Town and to sell the same.
- ~~20.~~ To levy and collect taxes for all municipal purposes upon all real estate and improvements located thereon, except lands belonging to the Town.
21. 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.
22. To determine from which authorized sources and in what proportions taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the municipal corporation and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.
23. To provide for the collection of and disbursement of all monies to which the Town may become entitled by law, including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided in the Charter.
24. 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 kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all State, County or municipal taxes; provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate twenty-five percent (25%) of the assessed value of all real estate in the Town subject to assessment for the purpose of levying the annual tax hereinbefore mentioned.
25. To acquire, and/or vacate the use of, lands, tenements, personal property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by the Charter. Proceedings by way of condemnation in any such case shall be the same or prescribed hereafter in Section 30 of this Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 30 shall be changed and modified to cover any case contemplated hereby.
26. To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town only in case of emergency and with the approval of the Town Council. Pension funds cannot be used for anything other than pensions.
27. To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge or other amount due to the Town.
28. To inquire into and investigate the conduct of any office, officer, agent, or employee of the Town or any municipal affair, and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.
29. The Town Council may, by ordinance duly adopted in accordance with this Charter, establish a pension plan or a health and welfare plan, or both, for the employees of The Town of Blades under such terms and conditions as the Town Council, in its discretion, deems most appropriate; provided, however, that any annual appropriation which is made by The Town of Blades under any such pension plan or health and welfare plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of The Town of Blades and provided further that the method of funding may, if deemed advisable by the Town Council, be handled through a recognized insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of Town Council.
30. To make, adopt and establish all such ordinances, regulations, rules, and by-laws not contrary to the laws of this State and the United States. The Town Council may deem it necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations which they may deem proper and necessary for the good government of the Town.
31. The Town Council of the Town of Blades, in addition to the powers now conferred, shall have the power and authority by ordinance or ordinances to levy, assess and collect or provide for the levying, assessment and collection of such

taxes as shall be determined by the Town Council for the Town of Blades to be paid by the transferor or transferee upon the transfer of real property or any interest in real property, situated within the corporate limits of the Town of Blades, Delaware, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfers occur; provided, however, that no tax levied under this section shall exceed the maximum allowance allowable by state law; and provided further that no tax shall be levied upon an organization exempted from ad valorem real estate taxes.

- a. No ordinance or ordinances providing for a tax on the transfer of real property or any interest in real property authorized under this section shall become effective unless it receives an affirmative vote of two thirds of all the elected Town Council Members of the Town of Blades.
- b. If the taxing power authority granted under this section shall be exercised by way of a stamp affixed to a document presented for recording, the Recorder of Deeds in and for Sussex County shall not receive for record any documents subject to said tax unless such stamps are affixed thereto.
- c. The Town Council of the Town of Blades may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the provisions of this section.

### **Section 27. Town Budget**

- ~~(a)~~ The fiscal year of The Town of Blades shall be from January 1 to December 31.
- (b) Annually each year and not later than November 1, each Council member shall prepare a rough draft of a Town Budget for their department. From this rough draft, the Town Council shall, not later than December 15 of each year, prepare the Town Budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year. Town administrator shall prepare a rough draft of the budget to be presented at the next Town public meeting.
- (c) The Budget shall contain the following information:
  1. A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year.
  2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.
  3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.
  - ~~4~~ An itemized statement of all other estimated expenses to be incurred in the affairs of the Town.
  5. An estimate of the amount of money to be received from taxes, assessments and all other anticipated income of the Town from any source or sources whatsoever.
  6. A reserve fund for unanticipated expenses.
- (d) The Town Council shall, so far as possible, adhere to the budget of the Town.

### **Section 28. Remedies for Collection of Taxes, Assessments and other Charges**

- (a) A remedy by distress as now prescribed by law is hereby preserved to the Town Council for the collection of any taxes, assessments, license fees, warrants or other charges for which they may be responsible.
- (b) At any time after the delivery of the duplicate annual tax list or warrant or any other list of charges due The Town of Blades, the Town Council may institute a suit in the name of The Town of Blades before any Justice of the Peace or Court of the State of Delaware, in any of the Counties of the State, for the recovery of the unpaid tax, assessment, license fee, or other charge, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace.
- (c) The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which by virtue of such execution shall be levied upon within thirty (30) days after issuance thereof, and such lien shall have priority over all other liens against said personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens.
- (d) Any time after the delivery of any such duplicate annual tax list, assessment list, or warrant, or other lists containing charges due the Town, the Town Council may notify, in writing, the person, firm or corporation by

whom any taxable is employed that the tax, assessment, license fee, warrant, or other charge of said employee is due and unpaid. The notice shall be signed by the Town Council and shall contain the correct name of the taxable as it appears upon any such list, the amount of the tax, assessment or other charge due with penalties and interest asked, if any. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable the amount of the tax, assessment, license fee, warrant, or other charge. together with penalties and interest added, if any owing, from the employee, and charge the same against them and pay the same to the town within ten (10) days. The Town Administrator shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If the employer be notified as aforesaid and having in their hand's money belonging to the taxable shall neglect or refuse to comply with the provisions hereof. such employer shall become personally liable for the tax, assessment, license fee, warrant or other charges, together with penalties and interest due thereon, if any of the persons as to whom notice was given and the amount thereof may be recovered from such employer in an action of debt before any Justice of the Peace, or Court of State of Delaware, as aforesaid. This process shall be deemed to be a garnishment proceeding.

(e) The Town Administrator, with the approval of the Town Council, may make a complaint under oath before any Justice of the Peace, that the tax of any taxable is due and unpaid and that the town has been unable to make collection of the tax, assessment, license fee, warrant or other charge by any of the methods for the recovery of taxes prescribed by this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing it shall be found that the tax, assessment, license fee, warrant or other charge of the person arrested is due and unpaid, and if the taxable shall thereon fail to pay the tax, assessment, license fee, warrant or other charge together with accrued costs, they shall be committed to the jail of Sussex County until the tax, assessment, license fee, warrant, penalty, cost and charges are paid.

(f) For the purpose of collecting the tax, assessment, license fee, or any other charge due the Town from any taxable, and without the necessity of first employing the other remedies herein provided, the Town Administrator is empowered to sell the lands and tenements of the taxable, subsequent to the levy of the tax, assessment, license fee, or other charge.

(g) The Town Administrator shall present to the Superior Court of Sussex County a petition which shall state

1. The name of the taxable, assessed or licensee.
2. The year for which the tax, assessment., license, or other charge was levied
3. The rate of the tax, assessment, license or other charge.
4. The total amount due.
5. The date from which the penalty for nonpayment, if any, shall commence and the rate of such penalty.
6. A short description of the lands and tenements proposed to be sold sufficient to identify the same.
7. A statement that a bill of said tax. assessment, license, or other charge has been mailed to the taxable that he will proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, or other charge due the Town, and the date of such mailing.
8. That it has been found impractical to attempt to collect the said tax, assessment, license, or other charge, by any other remedy hereinbefore provided.

(h) At least ten (10) days prior to the filing of any such petition, the Town Administrator shall deposit in the mail, and requiring a return registered receipt, addressed to the taxable at their last known address an itemized statement of the tax, assessment, license, or other charge due the Town, together with all penalties and costs then due thereon, together with a notice to the taxable that they shall proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, or other charge due the Town. The Town Administrator shall exhibit the return registry receipt to the Court by filing the same with the petition.

(i) The petition shall be filed by the Town Administrator and shall be verified before a Notary Public.

(j) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Court and shall endorse upon said record of said petition, the following:

"This petition filed the \_\_\_\_\_ day of \_\_\_\_\_, A.D. (giving the day and year), and the Town Administrator of The Town of Blades shall therefore proceed to sell the lands and tenements

herein mentioned or a sufficient part thereof, for the payment of the amount due," which endorsement shall be signed by the Prothonotary.

(k) The Town Administrator, with the approval of the Town Council shall then institute the proceedings for a Sheriff's sale of said property.

(l) Each sale of lands and tenements shall be returned to the Superior Court, aforesaid, at the ensuing term thereof following the sale. At the return of said sale the Court shall inquire into the circumstances and either approve or set aside the sale. No sale shall be approved by the Court if the owner be ready at the Court to pay the taxes, assessment, license fee, rent or other charge due the Town, together with penalty, interest and costs, if any. If it set aside the sale, the Court may order another sale and so on until the tax, assessment, license fee, or other charge due is collected.

(m) If the sale shall be approved by the Court, then at the expiration of one year from the date of the sale (which shall be known as the redemption year) the Town Administrator shall be responsible to ensure that a deed is made, executed and delivered to the purchaser, their heirs or assigns, which shall convey the title of the taxable, licensee or assesses, as the case may be: provided however that within the redemption year, the owner, their heirs or assigns, shall have power to redeem the lands on payment of the costs, the amount of the purchase money and twenty percent (20) interest thereon to the purchaser, their heirs or assigns. If the purchaser refuses to accept the same or in the event the purchaser, or their heirs or assigns, cannot be located within the State of Delaware, then in either event, it shall be lawful for the owner, their heirs, executors or assigns, to pay the amount of the redemption money to the Town Administrator of The Town of Blades, and upon taking from them a good and lawful receipt therefor, such receipt shall be considered for all intents and purposes as a valid and lawful exercise of the owner, their heirs, executors and assigns of their power to redeem the land so sold.

(n) After satisfying the tax, assessment, license or other charge due and the cost and expenses of sale from the proceeds of the sale the amount remaining in the hands of the Town Administrator shall be paid, at once, to the owner of the land. Should the owner of the land refuse to accept the same, or the owner is unknown or cannot be found the amount remaining shall be deposited in some bank in The Town of Blades, either to the credit of the owner, or in a manner by which the fund may be identified.

(o) In sales of land for the payment of taxes, assessments, licenses or other charges due The Town of Blades, the costs of the sale including a reasonable counsel fee shall be allowed, which shall be deducted by the Town Administrator from the proceeds of the sale, or chargeable against the owner.

(p) The cost of the deed shall not be chargeable as costs but shall be paid by the purchaser.

(q) If the owner of any land and tenements, against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale and in the petition to the Court.

(r) If any person is assessed for several parcels of land and tenements in the same assessment, the total of said taxes, assessments, rents and other charges due the Town, may be collected from the sale of any portion of said lands and tenements or from any improvements, provided, that the land alienated by the taxable shall not be sold until other property of the taxable shall have been first disposed of.

## **Section 29. Power to Borrow against Anticipated Revenues**

The Town Council of the Town of Blades shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of the Town of Blades, the sum or sums of an aggregate amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000), when, in the opinion of the majority of the said Town, Council, the needs of the Town of Blades demand it. The Town Council may secure said sum or sums of money so borrowed by promissory notes of the Town of Blades, duly authorized by resolution of the Town Council, and signed by the Mayor and attested by the Town Administrator, either with or without the corporate seal of the Town of Blades affixed as is requested by the bank or person advancing the money on said notes, and no officer nor Councilman shall be personally liable for the payment of such notes because it is signed by them as Officers of the Town of Blades, and is authorized by the resolution of the Town Council; provided, however, any sum of money borrowed on the faith and credit of the Town of Blades, as aforesaid, in any fiscal year, shall be paid out of the general funds of the town, in principal payments of at least ten percent (10%) of the principal borrowed per fiscal year and shall be completely paid at the end of ten (10) fiscal years following the first fiscal year which said money was borrowed with interest thereon, and no part of the principal or nor the interest on any borrowing authorized by this section shall be taxable by the State of Delaware nor any political subdivision thereof.

**Section 30. Streets**

(a) The Town Council shall have the power and authority to ask the Environmental Protection Agency (EPA) for an Environmental Impact Statement and for the Delaware Department of Transportation traffic study or a traffic analysis on all proposed new development, to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall deem it for the best interest of the Town.

**Section 31. Use of Town Money**

(a) The Town Council shall have the power and authority to use the money in the Treasury of said Town, or of any portion thereof, for the improvement, benefit, protection, ornament, and the best interest of the said Town as it may deem advisable and to use the Town money to accomplish and implement all acts which it has power to do by virtue of the Constitution, Laws of Delaware, this Charter, and all lawful ordinances and resolutions of Council.

**Section 32. Obstructions, Nuisances and Unsanitary Conditions**

(a) The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate, and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated by any property owner or tenant or any property owner thereof whether in the street, square, lane or alley, or on the sidewalks or any other public or private place within the limits of said Town either on its own inspection, or upon written complaint of any citizen of the Town stating the character and location of the obstruction, nuisance or unsanitary condition, and signed by the citizen making the complaint.

**Section 33. Municipal Zoning Regulations**

(a) For the purpose of protection against fire, promoting health, safety, morals or the general welfare of the community, the Town Council is hereby empowered to adopt ordinances to regulate and restrict the height, number of stores, size of buildings and other structures, the density of population, and the location and use of buildings, structures and lands for trade, industry, residence or other purposes, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fires; to prescribe the height and thickness of any building and the kind and grade of materials used in the construction thereof.

(b) The Town Council, in order to avail itself of the powers conferred by this section, shall appoint a commission of not less than three members to be known as the Zoning Commission in accordance with Title 22, Chapter 3, Section 306 of the Delaware Code, as amended from time to time. The Town Council shall further provide for the appointment of a Board of Adjustment which shall consist of the Town Administrator, the Mayor, the Town Solicitor, two or more independent residents of the Town of Blades, and the Commissioner of Planning and Zoning who serves as a resource to the Board. The Board shall have all the powers and shall be bound by the same procedure as set forth in Title 22, Chapter 3, Sections 321 through 330, as amended from time to time.

(c) The Town Council may appoint a Planning Commission as specified in Title 22, Chapter 7 of the Delaware Code, as amended from time to time.

(d) The Town shall have the power to enact ordinances and procedures for the review and approval of any building or development project, to issue permits for land development and construction activities, and to establish fees for the review of said projects and for the issuance of permits.

**Section 34. Actions or Suits against the Town**

No action, suit or proceeding shall be brought or maintained against The Town of Blades for damages, either compensatory, or punitive, on account of any physical injury or injuries, death or injury of property by reason of the negligence, simple, gross, willful, or wanton of the said The Town of Blades or any of its departments, officers, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted, within ninety (90) days from the happening of such injury or the suffering of such damage, shall notify

in writing the Mayor of The Town of Blades of the time, place, cause, character and extent of the injury sustained, so enrolled or damages suffered.

**Section 35. Motor Vehicle Violations**

All driving, vehicular and pedestrian traffic within the corporate limits of The Town of Blades shall be governed by the provisions of Chapter 41, Title 21, Delaware Code of 1974, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions may be altered or supplemented by ordinance duly passed by the Town Council of The Town of Blades as authorized by 21 Del. Laws, c. 41 of 1974, as amended.

**Section 36. Disposal of Property**

(a) All disposals of property of The Town of Blades, other than the motor vehicles or other personal property which may be traded as part of the purchase price for a replacement of equipment thereof, shall be by public advertising for bids thereof pursuant to the following procedure:

- (1) The Town Council of The Town of Blades shall adopt a Resolution declaring the property to be sold to be surplus to the needs of The Town of Blades. The Resolution shall be passed at least thirty (30) days prior to the date when bids are to be received and shall contain a description of the property, its location, the times when it can be inspected, the terms for payment and shall fix a time and place for receiving sealed bids for the purchase thereof.
- (2) The property shall be offered for sale to the best and most responsible bidder who submits a responsive bid in response to the invitation to submit a bid for the property.
- (3) The Invitation for Bids shall be printed in two issues of a newspaper having a general circulation in The Town of Blades within thirty (30) days prior to the date when bids to purchase the said property will be received.

(b) Neither the Mayor of The Town of Blades nor any member of the Town Council of The Town of Blades shall be permitted to submit during their term of office a bid for any property to be sold pursuant to this Section.

**Section 37. Survival of Power and Validating Section**

This Act shall operate to amend, revise and consolidate, "An Act to Incorporate the Town of Blades" being Chapter 58, Volume 34, Laws of Delaware, and the various amendments and supplements thereto, and to repeal all such parts of said Act and its amendments and supplements as are manifestly inconsistent with the provisions of this Act. All powers conferred upon or vested in The Town of Blades by any Act of Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested in The Town of Blades and/or the Town Council of The Town of Blades, precisely as if each of the said powers was expressly repeated in this Charter. All ordinances and resolutions heretofore lawfully enacted or adopted by the Town Council of The Town of Blades and in force at the time of the approval of this Charter shall continue in full force and effect until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Blades under the provisions of this Charter; all the acts and doings of the Town Council of the Town of Blades or any officers or employees of The Town of Blades lawfully done or performed under the provisions of any law of this State, or of any ordinance of The Town of Blades prior to the approval of this Act, are hereby ratified and confirmed; all taxes, debts, fines or penalties, assessments and forfeitures due The Town of Blades shall be deemed to be due and all debts due from The Town of Blades shall be deemed to be due and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes imposed under the provisions of this Act, and the processes which may be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes imposed under the Charter of The Town of Blades and all amendments and supplements thereto; the bonds given by or on account of any Official of The Town of Blades shall not be impaired by or affected by the provisions of this Act, but The Town of Blades shall succeed to all the benefits of said bonds; all valid laws heretofore passed relating to or concerning The Town of Blades or authorizing the borrowing of money and the issuing of bonds on the credit of the Town of Blades shall be and remain valid and good as heretofore, and be unaffected and unimpaired by this Act.

If any part of this Act shall be considered unconstitutional, such a holding shall not in any way invalidate the remaining provisions of this Act. This Act shall be deemed and known to be a public Act.

With amendments through 7/30/01.

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## TOWN OF BLADES CHARTER

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73 Del. Laws, c. 210; 74 Del. Laws, c. 407; 75 Del. Laws, c. 196; 76 Del. Laws, c. 44; 77 Del. Laws, c. 299; 81 Del. Laws, c. 293;