

LAWS OF DELAWARE
VOLUME 85
CHAPTER 22
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 41

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO RELATING TO ANNEXATION OF TERRITORY AND THE APPOINTMENT OF COMMITTEES.

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

Section 1. Amend Section 3 of the Charter of the Town of Millsboro by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Section 3. Annexation of Territory.

In the event it becomes feasible and necessary in the future for the Town to enlarge its then existing limits and territory, such annexation accomplished pursuant to the following procedures shall be lawful:

3.1 Initiation of annexation proceedings when all owners petition.

3.1.1 ~~The A~~ written Petition, signed by all of the property owners of a territory contiguous to the then existing corporate limits and territory of the Town, ~~with the signature of each such Petitioner duly acknowledged, presented to the Council~~ shall be submitted to Town Hall. The written Petition shall include a description of the territory requested to be annexed, the reasons for the requested annexation, and the zoning designation to be applied. Following a determination by Town staff that the Petition is complete and contains all information hereby required, the Petition shall then be presented to the Town Council.

3.1.2 The Mayor and Town Council shall, by Resolution, appoint a Committee composed of not less than three (3) of the members of the Town Council to investigate the possibility of annexation and the appropriateness of the zoning designation.

3.1.3 Not later than ninety (90) days following its appointment by the Mayor and Town Council, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the 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, shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation, and the reasons therefor, as well as its recommendation for zoning.

3.1.4 In the event that the Committee appointed by the Mayor and Town Council concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town

Council may then pass a second Resolution fixing a time and place for a public hearing on the subject of the proposed zoning to be applied to the property proposed for annexation.

3.1.5. Following the public hearing, the Town Council may then pass a third Resolution annexing such territory to the Town and designating the zoning district of said territory. Such Resolution shall be passed by the affirmative vote of a majority of all the members of Town Council.

3.1.6 In the event that the Committee appointed by the Mayor and Town Council concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by five (5) or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of the Town.

Section 2. Amend Section 16 of the Charter of the Town of Millsboro by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Duties Of The Mayor And President Of Council

Section 16.

(a) The President of the Town Council shall preside at all meetings thereat, and shall vote on all matters brought before the Town Council for a vote. ~~He shall appoint all committees, receive complaints or nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. He~~ The President of the Town Council may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, to proceed upon such infractions or violations of law and ordinances immediately in the event that he deems such action to be required. The President of the Town Council shall perform such other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this Charter. The Mayor shall be empowered to act on behalf of the Town, without prior Town Council approval, in the event of a sudden emergency requiring prompt action, in order to protect the public health, safety and welfare of the town, its inhabitants and property owners. A “sudden emergency”, for purposes of this section, shall include, by way of example and not limitation, a major fire or conflagration, significant flooding or serious storm threatening significant damage, a civic disturbance or a toxic spill. A sudden emergency shall also include any

emergency situation as declared by any county, state or federal agency having jurisdiction over the Town where the scope of the emergency so declared includes the Town.

(d) The President of the Town Council may appoint, by and with the advice and consent of a majority of the members of the Town Council, such other committees as he deems the President of the Town Council and a majority of the members of the Town Council deem necessary for the proper administration of The Town of Millsboro or the Council may, by resolution, authorize the President of the Town Council to appoint certain committees which are deemed necessary to carry out the provisions of this Act. In their role of giving advice and consent, all members of the Town Council have the right and authority to recommend the creation of a new committee, recommend the appointment of members to existing or new committees, and to recommend the appointment of a chairman for an existing or new committee. Any such recommendations made by a Town Council member shall be reasonably considered by the President of the Town Council and other Town Council members.

Approved May 22, 2025