



SPONSOR: Rep. Mulrooney & Rep. J. Johnson & Sen. Connor & Sen. Henry

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE BILL NO. 307

AN ACT TO REINCORPORATE THE CHARTER OF THE CITY OF NEW CASTLE, CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE".

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

1 Section 1. Amend the Charter of the City of New Castle, Chapter 216, Volume 27, Laws of Delaware, as amended, by
2 substituting in its entirety, as shown by underlining as follows:

3 CHARTER OF THE CITY OF NEW CASTLE

- 4 Section 1. City Boundaries
- 5 Section 2. Establishment of Municipal Corporation
- 6 Section 3. Annexation
- 7 Section 4. Officers, Qualifications and Salaries
- 8 Section 5. Time of Elections
- 9 Section 6. Election Procedures
- 10 Section 7. Taking Office
- 11 Section 8. Continuity of Office
- 12 Section 9. Vacancies
- 13 Section 10. Fraudulent Voting/Penalties
- 14 Section 11. Municipal Power
- 15 Section 12. Duties of Mayor
- 16 Section 13. Meetings and Procedures of Council
- 17 Section 14. Powers of Council
- 18 Section 15. Tax Remission
- 19 Section 16. Exhibitions within the City
- 20 Section 17. Road Tax

- 21 Section 18. Budget
- 22 Section 19. Property Assessment Procedure
- 23 Section 20. Borrowing for Current Expenses
- 24 Section 21. Borrowing for Capital Expenses
- 25 Section 22. Sinking Fund
- 26 Section 23. Survival of Power and Validation
- 27 Section 24. Severability Clause
- 28 Section 25. Construction of Provision of Charter
- 29 Section 26. Public Act
- 30 Section 1. City Boundaries

31 The limits and boundaries of the City of New Castle shall be as previously fixed and established or hereafter altered
32 according to law and shall be marked and defined according to maps and plots now of record or hereafter recorded in the
33 Office of the Recorder of Deeds in and for New Castle County pursuant to lawful annexation proceedings. Such maps and
34 plots, when so made and approved by the City Council of the City of New Castle, and signed by the President of Council
35 and City Clerk, and sealed with the City seal and when recorded in the Office of the Recorder of Deeds, in and for New
36 Castle County, Delaware shall be deemed to be the true and correct maps and plots of the City and of all the streets,
37 boundaries, lanes and alleys thereof, and the same, or the record thereof, or a duly certified copy of said record, shall be
38 evidenced in all courts of law and equity in the State of Delaware.

39 Section 2. Establishment of Municipal Corporation

40 The City of New Castle, and the inhabitants thereof, shall be and continue as a municipal corporation by the style and name
41 of “The City of New Castle”, and by that style and name it shall have perpetual succession and is hereby made able and
42 capable in law to have, take, purchase, receive, possess, enjoy and retain to it and its successors, lands, tenements,
43 hereditaments, goods, chattels and effects of whatever kind, nature and quality, and the same to sell, grant, pledge,
44 hypothecate, demise, alien or dispose of, to sue, be sued, plead, and be impleaded, defend, and to be defended in all courts
45 of law and equity, or any other place whatsoever, and also to have, make and use a common seal, and the same to break,
46 later or renew at its pleasure, and generally shall have all the privileges and franchises incident to a corporation or body
47 politic.

48 Section 3. Annexation

49 Consistent with Chapter 1, Title 22 of the Delaware Code, the City Council shall have the power to annex any contiguous
50 territory, and to extend and apply thereto all laws, ordinances, resolutions, rules and regulations in force within the State of
51 Delaware and the City, so far as the same may be legally applicable.

52 Section 4. Officers, Qualifications and Salaries

53 The officers of the municipal corporation shall consist of a Mayor, a Council to be composed of four Members and a
54 President of Council who shall be ex-officio a member and presiding officer of the Council, a Treasurer, and City Clerk.
55 No person shall be eligible to any of the above offices who is not a citizen of the State and a resident of the City. The
56 Mayor and the President and Members of Council must have resided in the City for at least two (2) years before their
57 election and at the time of their election be qualified voters of the City. The Council may, from time to time, by resolution
58 appoint a City Solicitor who shall be a licensed member in good standing of the Bar of the Supreme Court of the State of
59 Delaware with a minimum of five (5) years experience before the Delaware Bar. The Council may also, from time to time,
60 by resolution appoint a City Engineer who shall be duly licensed by The State of Delaware as a professional engineer in
61 good standing with a minimum of five (5) years experience as a licensed professional engineer in the State of Delaware.
62 The Council by ordinance may provide for such other officers as may be deemed necessary.

63 It shall be the duty of each Council member to propose necessary and appropriate legislation and resolutions for Council's
64 consideration; to serve on committees designated by Council; to attend public hearings on proposed legislation; to be
65 available and responsive to constituents, and to perform all other duties as provided in the Charter and by Delaware law.

66 The Council shall determine the annual salary of the Mayor, the President of Council and Council members by ordinance,
67 but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the Mayor,
68 the President of Council and the Council members elected at the next regular election, provided that such election follows
69 the adoption of such ordinance by at least six months. The Mayor, the President of Council and members of Council shall
70 receive reimbursement for actual time and necessary expenses as supported by receipts incurred when on official business.
71 The salaries, fees, or compensation of appointed officers shall be fixed by resolution of Council.

72 Section 5. Time of Elections

73 Election of the Mayor, the President of Council and other Council members shall occur at biannual elections on the second
74 Saturday of April (except when such date falls on Easter week-end, then on the third Saturday of April). Commencing with
75 the election to be held in calendar year 2013 the terms of Mayor, the President of Council and other Council members shall
76 be staggered. At the election to be held in calendar year 2013, the Mayor and two Council members shall be elected for a
77 two (2) year term while the President of Council and the remaining two (2) Council members shall be elected to a four (4)
78 year term. The two successful Council member candidates receiving the largest number of votes shall be elected to four (4)

79 year term seats on Council. The two successful Council member candidates receiving the least number of votes shall be
80 elected to two (2) year seats on Council. Thereafter, in all odd numbered years two Council members and either the Mayor
81 or the President of Council (depending on whose term has expired) shall be elected for four (4) year terms. Each officer
82 shall hold office until the biannual election when his or her term expires and until his or her successor has been elected and
83 qualified.

84 Commencing in the year 2013, the Treasurer and the City Clerk shall be elected every four (4) years by ballot on the second
85 Saturday of April (except when such date falls on Easter week-end, then on the third Saturday of April). The Treasurer and
86 City Clerk shall continue in office for a term of four (4) years or until their successors are legally qualified.

87 Section 6. Election Procedures

88 (a) The responsibility for conducting all municipal elections in the City of New Castle shall be vested with the Board of
89 Elections for the City of New Castle. Each member of City Council shall appoint one (1) qualified elector, who is also a
90 resident of the City of New Castle, to serve as a member of said Board. The term of all individuals so appointed shall be
91 four (4) years, commencing the day on which the appointment is made.

92 (b) Should any member of the Board of Elections die or become unable to perform the required duties, at any time, a
93 successor shall be appointed to complete the remainder of the term in an open meeting of the City Council, by the Council
94 Member, or their successor, who made the original appointment.

95 (c) The Board of Elections for the City of New Castle shall have, subject to the formal approval by Ordinance, by majority
96 vote, of the City Council, the power, authority and responsibility to establish or to amend all rules or regulations designed
97 to:

98 (1) Register Voters;

99 (2) Conduct Elections;

100 (3) In the month of July in years preceding an election years, meet and elect from the members of the Board, a
101 President and a Secretary; and

102 (4) To provide for all such other matters related to the municipal election processes of the City of New Castle
103 including compliance with all applicable State election laws.

104 (d) Any member of the Board of Elections or any election officer appointed by them who is found guilty, by majority vote
105 of the City Council, of either (1) or (2) of the following shall immediately forfeit their position or employment:

106 (1) Directly or indirectly seek to use their authority or official influence to control or modify the political action of
107 another person.

108 (2) Actively participate in the political activities of any individual or campaign.

109 (e) The pay for all members of the Board of Elections, all election officers and all election related materials, including
110 polling place rental, shall be fixed by City Council and paid out of City funds.

111 (f) Any person desiring to become a candidate for the office of Mayor, the President of Council, a member of Council, the
112 Treasurer or City Clerk, shall file with the City his or her name, place of residence, and date, designating the office for
113 which he or she seeks to become a candidate, no later than 5:00 p.m. local time, of the last Friday in the month of February
114 in the year of the election. Any candidate desiring to withdraw his or her candidacy shall do so by notifying the City in
115 writing no later than March 20th in the year of the election or should March 20th fall on a weekend or federal holiday, the
116 next business day thereafter.

117 (g) At any municipal election of the City of New Castle all individuals who shall have attained the age of eighteen (18) at
118 the time of the election who shall have been a resident of the City of New Castle for thirty (30) days preceding said election
119 shall be entitled to vote; provided, however, that said person is otherwise qualified to register to vote and has registered to
120 vote as required by the Election Laws of the State of Delaware (15 Del. C. Chapter 75), five (5) days prior to said election.
121 The Board of Elections shall decide on the legality of the votes offered.

122 (h) The Board of Elections shall determine the place(s) for holding said election, subject to the approval of City Council
123 and shall give notice of the time and places of holding said election by posting notice thereof in accordance with applicable
124 Delaware State election laws governing municipal elections. The Board of Elections shall appoint sufficient election
125 officers and an election Inspector pursuant to 15 Del. C. §7556 to assist in overseeing and conducting elections.

126 (i) On the day of the election, all polling places will open at 7:00 a.m., local time and close at 7:00 p.m. local time, for the
127 purpose of voting.

128 (j) Upon the closing of the polls as aforesaid, the Board of Elections shall count all the votes cast, publicly read the results
129 and certify said results to the President and members of City Council.

130 (k) For the purpose of certifying the results to the Board of Elections the election officers shall fill out four (4) certificates
131 of election, all of which are to be verified and signed by all of the election officers present at the closing of the polls. The
132 Inspector and one (1) election official shall each retain, for thirty (30) days following the day of election, one (1) copy of
133 the certificate of election. The third (3rd) copy shall be given to the President or the designee of the Board of Elections at
134 the closing of the polling place and the fourth (4th) copy shall be given to the President of City Council, at the closing of the
135 polling place.

136 (l) On the Monday evening following any such election, the City Council shall meet at 8:00 p.m., local time, for the
137 purpose of canvassing said election. The Chair of the Board of Elections or his/her designee shall appear before City
138 Council at that time and present the certificate of election retained by them. The City Council shall canvass the vote and

139 after ascertaining which candidates have received the greatest number of votes and have been thereby elected to the various
140 offices, shall fill out, sign and deliver certificates of election to all of the successful candidates.

141 (m) In the event of a tie vote for election to any office, the outgoing City Council by a majority vote of the members present
142 shall resolve the tie. In the event of a tie vote of the members of Council present the Mayor shall cast the deciding vote.

143 Section 7. Taking Office

144 As soon as may be conveniently be done after the result of said election shall have been ascertained by the City Council as
145 aforesaid, but no sooner than the seventh (7th) day following said election, it shall be the duty of the Mayor-elect, to take
146 and subscribe, before some Justice of the Peace in the County of New Castle or other sitting judge or justice of any court of
147 the State of Delaware, an oath or affirmation that he or she will support the Constitution of the United States and the
148 Constitution of the State of Delaware and that he or she will perform the duties of his or her office with fidelity, and
149 thereupon he or she shall enter upon the duties of his or her office. The Mayor shall administer a like oath or affirmation to
150 each of the persons who shall have been elected as aforesaid, as President of Council, member of Council, Treasurer and
151 City Clerk, upon the taking of which oath or affirmation and the giving of such bond as is required by this Act, they shall
152 enter upon the duties of their offices, respectively.

153 The City may cause a bond to the municipal corporation to be purchased which shall cover the Treasurer in such amount as
154 shall be determine by the Council, and with surety, to be approved by the Council, conditioned for the faithful performance
155 of the duties of his or her office. The Treasurer shall, from time to time, prepare and present to Council such reports as may
156 be required by Council. The Council may, by ordinance, or otherwise, require such other officers of the City to give bond
157 in such manner and with such conditions as it may deem proper.

158 Section 8. Continuity of Office

159 The Mayor, President of Council, members of Council, Treasurer and City Clerk shall hold their respective offices until
160 their successors have been duly elected and qualified as hereinabove provided, and the failure to hold an election on the day
161 fixed or the omission to execute any authority conferred by this Act shall not dissolve the municipal corporation, but the
162 authority of each officer shall continue until a new election can be legally held.

163 Section 9. Vacancies

164 In case of the death, resignation, refusal to act, disability, removal, or inability to be bonded under the provisions of this
165 charter, of any person elected as aforesaid to the office of Mayor, President of Council, member of Council, City Treasurer,
166 or City Clerk, the vacancy thus occasioned shall be filled by the Council, who shall elect some suitable person, not of their
167 own body, having the qualifications herein provided for, to fill said vacancy until the next election, or until a successor
168 shall have been duly qualified.

169 In the event the Mayor, President of Council, any Council member, the City Treasurer or the City Clerk shall be convicted
170 of a non-appealable felony, such conviction shall automatically result in his or her immediate removal from office. In the
171 event the President of Council or any Council member shall fail to attend and be counted toward a quorum at more than
172 one-third of Council's regular monthly meetings in any consecutive twelve (12) month period, then the remaining Council
173 members may, in their discretion, following notice and an opportunity to be heard, adopt a resolution removing him or her
174 from office and declaring his or her seat vacant, said vacant seat to be filled as provided in this Section.

175 Section 10. Fraudulent Voting/Penalties

176 Any inspector, judge or clerk of election, at any election held under this Charter, who shall knowingly and willfully take
177 and receive or advise and consent to the taking and receiving of the vote of any person not entitled to vote at any such
178 election, or shall knowingly and willfully reject or advise and concur in rejecting the vote of any person entitled to vote at
179 such election, or shall use any fraud, falsehood, or deceit in doing or performing any of the duties, matters or things
180 required of him or her, or shall refuse or willfully neglect to perform any of the said duties, matters or things, shall, for
181 every such offense, upon conviction thereof in the Superior Court of State of Delaware, in and for New Castle County,
182 forfeit and pay to the State a fine of Five Hundred Dollars for the use of the City of New Castle; and any person not entitled
183 to vote, who shall vote or offer to vote at any such election, shall, upon conviction as aforesaid, forfeit and pay to the State
184 a fine of One Thousand Dollars for the use of the City of New Castle.

185 Section 11. Municipal Power

186 The Council of the City of New Castle, and its successors in office, shall be, and hereby is, vested with all the legislative
187 powers of the municipal corporation, and shall have power to make and use a corporate seal and to change, alter and renew
188 same. The said Council and its successors shall be able and capable:

189 (a) To sue and be sued, plead and be impleaded in all Courts in this State by the corporate name of "The Council of the City
190 of New Castle;" and may have, take, purchase, possess, enjoy and retain, by lawful means, to it and its successors, within
191 said City, or beyond the limits thereof, lands, tenements and hereditaments, goods, chattels and effects of whatsoever kind,
192 nature and quality, necessary for municipal purposes; and the same to lien, sell, grant, demise, alien or dispose of at
193 pleasure;

194 (b) To receive devises, bequests, gifts and donations of all kinds of property within said City and beyond the limits thereof,
195 for its use and benefit, or in trust for charitable, benevolent, educational, or other public purposes, and to do all things
196 necessary to carry out the purposes of such devises, bequests, gifts and donations;

197 (c) To acquire or erect public buildings for municipal purposes, and to regulate and control the management of the same;

198 (d) To lay out, establish and maintain or vacate public parks and squares;

199 (e) To lay out, open, regulate, grade, extend, widen, improve or vacate streets and alleys, crossings and other highways;
200 (f) To construct, maintain or vacate sewers, drains, gutters and other works for the disposition of sewage and drainage of
201 said City, the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and highways to extend from
202 building line to building line;
203 (g) To supply said City and its inhabitants with water, and wastewater treatment facilities, and to protect the water to be
204 used from contamination;
205 (h) To provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for
206 supplying water, and to fix, alter, regulate and control the price and use of, water and wastewater treatment so supplied;
207 (i) To provide for lighting the streets and all public places in said City, and for supplying the inhabitants thereof with
208 electricity;
209 (j) To provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for
210 supplying such electricity, and to fix, alter, regulate and control the price and use of electricity so supplied;
211 (k) To grant to persons or corporations in such manner and upon such terms and conditions as it may prescribe, franchises
212 and privileges to locate, construct, extend and operate any enterprise, in, upon, or through any public park, square, street or
213 other highway, provided that such grant shall be subject to repeal or revocation for the abuse, misuse or nonuse of the
214 franchises and privileges thereunder granted, and provided further that no ordinance granting any such franchise or
215 privilege shall be passed unless it shall receive the affirmative votes of two-thirds of all the members of Council;
216 (l) To regulate and control the storage, within said Town, of explosives, oils, compounds, or any other dangerously
217 combustible matter;
218 (m) To grant licenses or permits for any lawful purpose, and to define the purposes for which licenses or permits shall be
219 required;
220 (n) To make and enforce sanitary regulations;
221 (o) To define, abate and remove nuisances, injurious to the public health or dangerous to the inhabitants of said City, and to
222 prevent the introduction of infectious or contagious diseases, for which said purpose its jurisdiction shall extend to any
223 point within one mile beyond the limits of said City;
224 (p) To regulate and control the erection of buildings within said City, and to require licenses or permits to be taken out
225 before the erection or repair of any building;
226 (q) To prohibit the going at large of any animal, except under regulations prescribed by it;
227 (r) To lay and collect fines on the owner or harbinger of animal found going at large in violation of such regulations; and to
228 provide for the registration of dogs in said City;

229 (s) To make and enforce within said City such fire, police and other regulations as may be deemed expedient to protect
230 persons and property, maintain the public peace, prevent crimes and promote the public morals;
231 (t) To establish, direct and administer police and fire departments and to appoint such police, fire prevention and other
232 suitable personnel to enforce the City's laws, ordinances and regulations and the laws of the State of Delaware as same may
233 be amended from time to time, and to otherwise preserve the peace within the limits of the City, said police personnel
234 having full right to pursue and arrest beyond the limits of the City any violator of the laws or ordinances of the City;
235 (u) To borrow money for municipal purposes on the credit of the corporation and to issue bonds therefore in the manner
236 and under the restrictions hereinafter provided;
237 (v) To provide for the payment of the legitimate expenses of the corporation, and for the annual payment, through the
238 medium of a reserve fund, or otherwise, of a portion of its bonded indebtedness, now existing, or hereafter to be created;
239 (w) To prescribe the extent of steps, porches, cellar doors and other outlets to buildings;
240 (x) To regulate the construction and repair of chimneys, and to regulate party walls;
241 (y) To prescribe the violations of ordinances by fine or imprisonment, as determined by Council by ordinance.
242 (z) To make general assessments of property in said City, and assess and collect taxes and other rates and charges thereon,
243 for municipal uses and purposes; and to make and collect special assessments of said property for the costs of any local or
244 general improvement and to enforce the payment of such taxes and other rates and charges and special assessments; and
245 (aa) To exercise all municipal powers necessary to the proper administration of the municipal government, and for the
246 wellbeing of the inhabitants of said City, whether said powers be expressly enumerated herein or not.

247 Section 12. Duties of Mayor

248 The Mayor of the City shall be the executive officer thereof, and is hereby constituted a conservator of the peace within the
249 said City, and is authorized, empowered and required to exercise within said City, all the authority which justices of the
250 peace in and for the County of New Castle may exercise under the laws of this State, and he or she shall further be invested
251 with authority in all lawful cases of commitment to commit persons guilty of a breach of the peace to the appropriate
252 correctional facility. And it shall be the duty of the Mayor to take care to have the laws and ordinances of said City
253 faithfully executed, and for that purpose shall have the power and authority to arrest and hold to bail all persons accused of
254 a breach of said ordinances, and fine and imprison all persons found guilty of a breach of said ordinances. Such power and
255 authority shall be exercised upon complaint duly made under oath and hearing of the party accused, and for that purpose,
256 the Mayor shall have power to issue the ordinary process for the arrest of parties and for the attendance of witnesses, and
257 the power to punish for contempt now possessed by justices of the peace. Provided, that he shall not have jurisdiction in
258 any civil matter other than to carry out the provisions of this charter, or the regulations and ordinances adopted for the

259 government of said City by the powers herein authorized to adopt the same, and that all fines imposed and collected, shall
260 be paid to the Treasurer of the City.

261 The Mayor shall keep a record of all judicial proceedings had before him or her, which record shall be the property of the
262 City and subject to the control of the Council. Process issued by the Mayor shall be similar in form to that prescribed in
263 like cases before justices of the peace and shall run throughout New Castle County, and shall be directed to the Sheriff or to
264 any constable of said County, or to any police constable of said City. The costs of any proceedings before the Mayor shall
265 be the same as are provided by law in like proceedings before justices of the peace, and shall be collected from the
266 defendant in cases of conviction in addition to any fine imposed or shall be paid by him or her before his or her discharge
267 from imprisonment, but the said costs may be remitted in the discretion of the Mayor. In case the charge is for the violation
268 of a City ordinance and the party so charged is acquitted, the costs shall be paid by the City.

269 In the absence of the Mayor to perform any duty under this Charter, the President of Council shall serve during the absence
270 of the Mayor from the City or while he or she shall be prevented by sickness or otherwise from performing the duties of his
271 office, and the President of Council shall be invested with all the powers and authority hereby conferred upon the Mayor, to
272 exercise the same during such absence or sickness until notified in writing by the Mayor that he or she is ready to assume
273 again the duties of office.

274 Section 13. Meetings and Procedures of Council

275 All the legislative powers of the corporation shall be vested in the Council. Council may adopt rules for the government of
276 their own body and the transaction of business. The President of Council shall be the presiding officer and a member of the
277 Council and shall have the authority to designate another member of Council to preside at any meeting of Council in his
278 absence. The Council shall meet for the transaction of business no less frequently than monthly at such times as the said
279 Council may determine, and a majority of the whole number of members shall constitute a quorum to do business. The
280 President of Council and other Council members may participate in Council meetings via conference telephone or similar
281 communications equipment by means of which all persons attending the meeting can hear each other and such participation
282 shall constitute presence in person at such meeting. All meetings of the Council shall be public, except meetings for the
283 transaction of executive business in accordance with the Delaware Freedom of Information Act, 29 Del. C. §§10001 et seq.
284 as same may be amended from time to time. No ordinance shall pass the Council unless the same shall have the
285 concurrence of a majority of all the members of the Council and shall have had at least one reading at a previous meeting
286 thereof. No ordinance shall be repealed other than by an ordinance duly passed. On the final passage of an ordinance the
287 vote shall be taken by yeas and nays and the names of the persons voting for and against the same shall be entered on the
288 minutes. The yeas and nays on any questions shall at the desire of any Council member be entered on the minutes. No

289 ordinance authorizing the borrowing of money and the issuing of bonds therefor shall pass the Council without the
290 concurrence of at least two-thirds of all the members. Every ordinance after it shall have passed the Council, shall be
291 signed by the President of Council and the Clerk of Council in authentication of its passage, and on the next day thereafter
292 presented to the Mayor. If the Mayor approves it, he or she shall sign it; but if not, the Mayor shall return it with written
293 objections to the Council who shall enter the objections on the minutes and proceed to reconsider it. If two-thirds of all the
294 members of the Council shall then agree to pass the same, it shall become an ordinance of the City; otherwise it shall be
295 inoperative. Every ordinance that shall not be returned to the Council by the Mayor within five days after receipt, shall
296 become an ordinance of the City in like manner as if the Mayor had signed it. All ordinances of the City shall be preserved
297 by the City Clerk and recorded at length in an ordinance book.

298 Section 14. Powers of Council

299 The streets, sidewalks, lanes, alleys, pavements, curbs, gutters, light, power, sewer, and water, in the City of New Castle
300 shall be under the supervision, management and control of the Council.

301 Whenever Council shall deem it expedient and needful for the public good and convenience that any sidewalk or street or
302 portion thereof within said City should be paved or repaved or that any curbing should be laid or reset or repaired, the
303 Council shall have the power to cause the sidewalk or street or portion thereof to be paved or repaved, repaired or re-laid,
304 and to cause the curbing or gutters to be laid, reset, or repaired with such material or materials and according to such
305 specifications as it shall determine. Council may, by ordinance, require that such work be undertaken and/or paid for by the
306 owners of adjacent property and may impose a lien on such property owners if such costs are not timely paid. Whenever
307 Council shall deem it expedient and needful for the public health and welfare that any sewers, mains and pipes be laid or
308 installed on any property or on any street or alley in said City or any public road adjoining or extending to said City, the
309 said Council shall have the power and it is hereby authorized to proceed with the laying and installing of said sewers, mains
310 and pipes in the manner hereinbefore provided pertaining to the improvements and repairs to sidewalks, streets, curbs and
311 gutters, and to cause same to be done and costs recovered as therein provided. In addition, whenever Council shall so
312 determine, it may in like manner cause any property in the City to be connected with the water and sewer mains and to
313 recover the costs therefore after like notice and in like manner as hereinbefore provided for the improvements and repairs to
314 streets, sidewalks, curbs and gutters.

315 Section 15. Tax Remission

316 If any person or persons or entity shall hereafter set up a business for manufacturing, industrial, office or other commercial
317 purposes within the limits of said City and the Council shall determine that such business will furnish continuous
318 employment for a sufficient number of persons to materially benefit the City of New Castle generally, the Council shall

319 have power to remit, in whole or in part, the levying of taxes imposed thereon for City purposes for a period not exceeding
320 ten years; but such remission of taxes shall remain in the discretion of Council and may be conditioned in the discretion of
321 Council.

322 Section 16. Exhibitions within the City

323 No circus, menagerie, theatrical or minstrel company, or exhibition of any kind shall be exhibited, or bills posted, or street
324 parade had therefore within the limits of said City; nor shall any person or persons, or corporation, open or set up, or
325 attempt to open or set up therein, any temporary or transient business, for the purpose of selling or offering for sale by
326 auction or otherwise, goods, wares, or merchandise; or peddle, take orders for the delivery of goods, wares and merchandise
327 within the limits of said City, without first having obtained permission of Council, which shall have power to issue license
328 or permit therefore, the charge for which shall remain in its discretion. For purposes of this Section, the phrase "temporary
329 or transient business" shall be defined as set forth in 6 Del. C. §4702 as same may be amended from time to time, and, in
330 addition, shall not include any individual business that operates at a permanent location if all of the businesses which
331 operate at the location, taken together, would not be considered a temporary or transient business.

332 Section 17. Road Tax

333 No road tax shall be levied upon any of the property within the limits of said City by any other taxing authority within the
334 State of Delaware than the Council of said City, which shall levy all taxes necessary for the maintenance of the streets,
335 lanes and alleys of said City.

336 Section 18. Budget

337 The Council shall, on or before the first Monday in each July, meet and ascertain, as near as may be, the amount necessary
338 to cover the net expenses of the government of said City for the current fiscal year, including, but not limited to, the
339 maintenance of streets, police assessment, collection of taxes and cost of trash collection; and shall make up a budget
340 containing the items and estimated amounts necessary to cover each and every branch and item of said City government.
341 And immediately after the assessment and valuation shall have been finally settled and adjusted under the provisions of this
342 Act, the said Council shall proceed to levy a tax on the real property, thus valued and assessed, in just and equal portions
343 and rates, sufficient to cover the aggregate of said budget.

344 Section 19. Property Assessment Procedure

345 Section 19.1 Adoption of New Castle County Assessment

346 The City shall adopt the assessment set from time to time by New Castle County for all property located within the
347 corporate limits of the City in lieu of making its own independent valuation and assessment of such property. The

348 assessment of values established by New Castle County shall be conclusive for purposes of levying City taxes and the City
349 shall have no authority to hear appeals regarding same.

350 Section 19.2 Payment of Taxes

351 All taxes shall be paid to the City Clerk or City Treasurer, or their designated representatives, at the City Hall during
352 regular business hours. All taxes shall be due and payable on the first day of July in the year in which they are assessed and
353 laid and shall be paid no later than September 30th (or on the next banking day, if September 30th is a weekend or holiday)
354 of each year. The Council may provide for early payment discounts in its discretion. On all taxes paid after September 30th
355 there shall be paid an accrued penalty of one and one-half percent (1.5%) per month or fraction thereof for each month
356 unpaid after due date. All tax bills shall be sent out on or before August 1 of each year. Appropriate legal action shall be
357 taken against all delinquent taxables whose taxes have become delinquent as determined by Council.

358 Section 19.3 Exemptions from Payment of Taxes

359 The Mayor and Council may by ordinance establish an annual full or partial exemption from payment of City taxes for all
360 City residents who are at least 65 years of age or older at the time the fiscal year commences which exemption may be
361 subject to conditions as Council may require.

362 Section 19.4 Collection of Delinquent Taxes – Generally

363 (a) The provisions of Title 25, Delaware Code Annotated, Chapter 29, as amended, with reference to tax liens shall be
364 deemed and held to apply to all taxes laid and imposed under the provisions of this Charter. In addition, liens on real
365 property shall arise in favor of the City whenever the following charges are imposed by the City or the City's
366 Municipal Services Commission relating to any parcel of real estate:

- 367 (1) Service charges for maintenance or use of water and electrical systems, including penalty and interest
368 thereon;
- 369 (2) Charges for the costs of razing or demolition of buildings done through public expenditure;
- 370 (3) Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done
371 through public expenditure;
- 372 (4) Assessments for the installation of electrical lines, water mains, sidewalks and curbing, including penalty and
373 interest thereon;
- 374 (5) Fees imposed by law or ordinance of the City for registration of ownership of any vacant buildings located
375 within the political subdivision, the imposition of which fees is final and non-appealable; and
- 376 (6) Charges for the costs of removing weeds, grasses, refuse, rubbish, trash or other waste material done through
377 public expenditure.

378 (b) Debt Action. The City may recover the amount of the tax or other charge due in an action of debt against the delinquent
379 taxpayer or property owner in any court of competent jurisdiction and it shall be sufficient to set forth that the action is to
380 recover a specified sum of money, being a tax or other charge assessed against property owned by defendant, in whole or in
381 part, together with such description of the property as will be sufficient to identify the same and the year for which the taxes
382 were levied. The right of appeal shall be the same as in other civil actions.

383 If a judgment be rendered in favor of the City, there shall be an allowance for the additional expense in attending to the suit,
384 including counsel fees. The amount of accrued interest, which shall be taxed by the court in the costs. Thereupon execution
385 shall issue against the real estate of defendant. No execution against the real estate shall issue except out of the Superior
386 Court. Where such judgment is recovery from a lower court of competent jurisdiction and it is the desire of the City to
387 proceed against the real estate of the defendant, the City shall take a transcript of the judgment from such lower court and
388 cause the same to be entered in the Superior Court in and for New Castle County. When such transcripts are entered, the
389 subsequent proceedings shall be the same as upon other judgments. The lien of the judgment, as aforesaid, shall be deemed
390 to relate back and take effect from the date of the assessment roll.

391 (c) In addition to all existing methods and authority for collection of taxes or other charges due to the City or its Municipal
392 Services Corporation, the City may file or cause to be filed a praecipe in the Office of the Prothonotary of the Superior
393 Court in and for New Castle County.

394 The praecipe shall contain the name of the person against whom the taxes or other charges sought to be collected were
395 assessed, a copy of the bill or bills showing the amount of taxes or charges due, and the property against which the taxes or
396 charges were assessed. The description of the property, as the same appears upon the assessment rolls of the City, shall be
397 sufficient identification and description of the property. The City shall also cause notice to be given to the person against
398 whom the taxes or charges sought to be collected were assessed by mailing certified mail (return receipt requested) to the
399 said person at the best available address for such person a copy of the praecipe with instructions that, unless payment is
400 made or an appearance otherwise entered on behalf of said person within thirty (30) days of mailing, judgment shall be
401 entered against the property. When a copy of the praecipe with instruction has been so mailed, the City shall file or cause
402 to be filed an affidavit of mailing in the Office of the Prothonotary. The mailing of the praecipe with instructions and the
403 filing of the affidavit shall be deemed to be a complete discharge of the City's duty to give notice to the person against
404 whom taxes or charges are sought to be collected, whether or not the receipt of the registered mailing is returned. If no
405 payment or appearance is thereafter made within thirty (30) days of mailing, the Prothonotary shall make a record of the
406 same on a special judgment docket of the Superior Court, against the property mentioned or described in the praecipe,
407 which record shall consist of the following:

- 408 (1) The name of the person in whose name the assessment was made;
 409 (2) The description of the property as the same shall appear upon the assessment rolls;
 410 (3) The year or years for which the taxes are due and payable;
 411 (4) The date of filing of such praecipe; and
 412 (5) The amount of the judgment, the same being the amount set forth in the praecipe.

413 Such judgment shall be indexed in the appropriate judgment docket.

414 Thereafter upon a praecipe for monition filed in the Office of the Prothonotary by the City, a monition shall be issued by
 415 the Prothonotary to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the
 416 taxes and charges due and the years thereof, together with a brief description of the property upon which the taxes and
 417 charges are a lien. A description of such property as same shall appear upon the assessment rolls so prepared shall be a
 418 sufficient description. The monition shall be in substantially the following form:

419 To all persons having or claiming to have any title, interest or lien upon the within described premises, take
 420 warning that unless the judgment for the taxes or assessment stated herein is paid within twenty (20) days after the
 421 date hereof, or within such period of twenty (20) days evidence of the payment of taxes or assessment herein
 422 claimed is filed in the office of the Prothonotary, which evidence shall be in the form of a receipted tax or
 423 assessment bill or duplicate thereof, bearing date prior to the filing of the lien in the Office of the Prothonotary for
 424 New Castle County, the City of New Castle may proceed to sell the property herein mentioned or described for the
 425 purpose of collecting the judgment for the taxes or assessments herein stated.

426	<u>Name of person</u>	<u>Description</u>	<u>Year</u>	<u>Amount</u>
427	<u>In whose name</u>	<u>of</u>	<u>or</u>	<u>of</u>
428	<u>Property is</u>	<u>Property</u>	<u>Years</u>	<u>Judgment</u>
429	<u>Assessed</u>			

430 The monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against
 431 which the judgment for the taxes or assessment is a lien, and the Sheriff shall make due and proper return of his
 432 proceedings under the monition to the Prothonotary, within ten (10) days after the posting of the monition.

433 Alias or pluries monition may issue upon like praecipe. The posting of the notice as herein required shall constitute notice
 434 to the owner or owners and all persons having any interest in the property.

435 At any time after the expiration of twenty (20) days next following the return of the Sheriff upon the monition, unless the
 436 judgment together with costs has been paid prior to the expiration of the twenty (20) days, evidence of the payment of such
 437 taxes evidenced by a receipted tax or assessment bill or a duplicate thereof bearing date therefor prior to the filing of the

438 lien for record in the Office of the Prothonotary, then upon application in writing by the City of New Castle, a writ of
439 venditioni exponas shall issue out of the Office of the Prothonotary directed to the Sheriff commanding the Sheriff to sell
440 the property mentioned or described in the writ and make due return of his proceedings thereunder in the same manner as is
441 now applicable with respect to similar writs of venditioni exponas issued out of the Superior Court. The property shall be
442 described in the writ under the description thereof as it appears on the assessment rolls and by metes and bounds where
443 obtainable, but nothing herein contained shall be construed to invalidate a writ or a sale pursuant thereto containing only the
444 description as it appears on the assessment rolls or a writ bearing only a description by metes and bounds. The writ shall be
445 substantially in the following form:

446 NEW CASTLE COUNTY, SS

447 The State of Delaware

448 TO THE SHERIFF OF NEW CASTLE COUNTY,

449 GREETINGS:

450 WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington the _____ day of
451 _____, A.D. 20____, IT WAS COMMANDED, that you should post the said Monition or copy thereof upon
452 the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said
453 posting.

454 That on the _____ day of _____, A.D. 20____, you returned that a copy of the said Monition was posted on the real
455 estate therein mentioned and described on the _____ day of _____, A.D., 20_____.

456 We therefore now command you to expose to public sale, the real estate mentioned and described in
457 said Monition as follows:

458 (description)

459 ... and that you should cause to be made as well a certain debt of _____ Dollars (\$ _____)

460 lawful money of the United States, which to the said City of New Castle is due and owing, as also the
461 sum of _____ Dollars (\$ _____) lawful money as aforesaid for its costs, which it has sustained
462 by the detaining of that debt, whereof the said _____ was convicted as it appears of record and
463 against which said property it is a lien;

464 And have you that money before the Judges of our Superior Court at Wilmington, on Monday the
465 _____ day of _____, next, to render to the said City of New Castle as aforesaid, for its debt and
466 costs as aforesaid, and this writ:

467 Witnesseth, the Honorable _____, at Wilmington _____ day of _____

468 A.D., 20_____.

469

470 _____
Prothonotary

471 Any real estate or interest therein sold under the provisions of this Charter shall vest in the purchaser all the right, title and
472 interest of persons in whose name the property was assessed, and/or all right, title and interest of the person or persons who
473 are the owners thereof, and likewise freed and discharged from any liens and encumbrances dower or curtesy or statutory
474 right, in the nature of a dower of curtesy, whether absolute or inchoate, in or to the real estate.

475 If the owner of the property and/or his legal representatives fail to redeem the property as provided in this Charter, the
476 purchaser of the property or his legal representatives, successors or assigns may present a petition to the Superior Court
477 setting forth the appropriate facts in conformity with this Charter and pray that the Superior Court make an order directing
478 the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to the property to the petitioner;
479 and thereupon the Superior Court shall have the power, after a hearing upon the petition, to issue an order directing the
480 Sheriff to execute, acknowledge and deliver a deed as prayed for in the petition. A description of the property as the same
481 shall appear upon the assessment rolls, or a description by metes and bounds where obtainable shall be a sufficient
482 description in any such deed.

483 The owner of any such real estate sold under this Charter or his legal representatives may redeem the same at any time
484 within sixty (60) days from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal
485 representatives, successors or assigns, the amount of the purchase price and fifteen percent (15%) in addition thereto,
486 together with all costs incurred in the cause, or if the purchaser or his legal representatives, successors or assigns, refuse to
487 receive the same, or do not reside or cannot be found within the City of New Castle, by paying the amount into the Court
488 for the use of the purchaser, his legal representatives or assigns.

489 If the owner of any real estate sold under an order of sale or his legal representative redeems the real estate, he may present
490 to the Superior Court a petition setting forth that fact and thereupon the Superior Court, after hearing and determining the
491 facts set forth in the petition, shall have power to cause to be entered upon the record of the judgment, under which the real
492 estate was sold, a memorandum that the real estate described in the proceedings upon which the judgment was entered has
493 been redeemed. Thereafter the owner shall hold such redeemed real estate subject to the same liens and in the same order
494 of priority as they existed at the time of the sale thereof, except insofar as the liens have been discharged or reduced by the
495 application of the proceeds by the Sheriff from the sale.

496 Upon the return of the proceedings under a writ of venditioni exponas, the Superior Court may inquire into the regularity of
497 the proceedings thereunder and either approve the sale or set it aside.

498 No monition proceedings shall be brought under this Charter unless the tax or assessment sought to be collected hereunder
499 shall at the time of the filing of the praecipe in the Office of the Prothonotary be and constitute a lien upon the property
500 against which the tax or assessment was assessed or laid.

501 Whenever the Superior Court is mentioned in this Charter, the same shall be held to embrace the Judges or any Judge
502 thereof, and any act required or authorized to be done under this Charter may be done by the Superior Court or any Judge
503 thereof in vacation thereof, as well as in term time.

504 The fees and costs to be taxed in all proceedings under this Section, where not otherwise provided for, shall be set by the
505 Council by ordinance.

506 Any real estate now or hereafter purchased by the City at sales for taxes, may be sold by order of the Council of said City,
507 and deed for the same shall be made to the purchaser or purchasers and executed for the municipal corporation by the
508 Mayor or the President of Council and City Clerk. Such deed shall convey all the rights of the municipal corporation in the
509 property, and the proceeds of such sales shall be deposited in the City Treasury as part of the general tax money of the City.

510 (d) Remedies Cumulative. The remedies herein provided are cumulative and, if two or more proceedings are pending to
511 recover the amount due for taxes or other charges upon the same property for any year, neither proceeding shall be pleaded
512 in bar or in suspension of other proceedings. However, when the full amount due for taxes upon the property for the year
513 or other charges shall have been paid to the plaintiff in any proceeding, together with all costs in all proceedings then
514 pending, plaintiff shall enter upon the records thereof discontinuances thereof.

515 (e) Establishment of Collection Methods. Specifics procedures for the collection of delinquent taxes and other charges
516 generally provided under this and the preceding Sections, where not otherwise provided for, shall be set by the Council by
517 ordinance. All other procedures not covered by this and the preceding Sections shall be the same as are provided by law.

518 (f) Fees and Costs. The fees and costs to be fixed in all monition proceedings and all other delinquent tax recovery
519 methods under this and the preceding Sections, where not otherwise provided for, shall be set by the Council by ordinance.
520 All other charges not covered by this and the preceding Sections shall be the same as are provided by law.

521 Section 20. Borrowing for Current Operating Expenses

522 Whenever the needs of the City shall require more money than is, at the time, in the City treasury from current receipts, the
523 Council shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed. The
524 aggregate amount of outstanding principal from any such borrowing or borrowings under this subparagraph shall not
525 exceed \$500,000.00. Any borrowings under this paragraph shall, by their terms, be repayable in full within (13) months of
526 the date of each such borrowing or the maximum time period permitted under Federal tax law, whichever greater.

527 To exercise the power aforesaid the Council shall adopt a resolution to that effect, which resolution shall be by roll call and
528 require the affirmative vote of at least a two-thirds majority of all members of the Council. The indebtedness created under
529 this provision shall be secured by a promissory note or notes or other evidence of indebtedness of the City, and the full faith
530 and credit of the City may be deemed to be pledged thereby, and no officer nor Council member shall be personally liable
531 for the payment of such notes because it is signed by them as officers of the City, and is authorized by a resolution of the
532 Council. Such short-term debt shall not be considered as part of the bonded debt of the City when limitations under
533 indebtedness, as set forth elsewhere in this Charter, are computed.

534 Section 21. Borrowing for Capital Expenses

535 (a) The Council of the City of New Castle shall have the power to borrow upon the full faith and credit of said City, a sum
536 or sums not to exceed one and two-tenths percent (1.2%) of total assessed value of the real estate in said City in principal
537 amount outstanding at any one time, for capital expenditures, pursuant to a resolution following public hearing, passed by a
538 two-thirds majority of all members of Council, and give its obligation therefore, subject to a twenty percent (20%)
539 borrowing limitation set forth in Section 21(b). All obligations or bonds authorized by this Section shall be signed by the
540 President of Council and countersigned by the Treasurer, and sealed with the corporate seal. The form of the bonds or
541 certificates of indebtedness authorized under this section, if any, the time or times of payment, the interest rate, the classes,
542 the series, the maturity, the registration, any callable or redeemable feature, the denomination, the name thereof and any
543 other relative or appurtenant matter pertaining thereto shall all be determined by the Council of City of New Castle. All
544 bonds or other kinds or forms of certificates of indebtedness issued by the City pursuant to the provisions in this Section,
545 and the interest thereon, shall be exempt from taxation from the State of Delaware or any political subdivision thereof. The
546 aggregate principal amount of debt outstanding from any such borrowing or borrowings under Section 21(a) shall at no
547 time exceed one and two-tenths (1.2) percent of total assessed value of the real estate in said City. Anything to the contrary
548 herein notwithstanding, the Council of the City of New Castle shall have no authority under this Section 21 (a) to borrow
549 for purposes of funding the construction of a pier or wharf on the banks of the Delaware River at the terminus of Delaware
550 Street in the City.

551 (b) The Council of the City of New Castle may borrow money for municipal purposes of any character whatsoever, upon
552 the full faith and credit of said City, secured by revenues pledged to secure and repay such indebtedness, or both, and issue
553 bonds or other evidence of indebtedness, but in no case shall the total indebtedness of every kind (including amounts
554 borrowed pursuant to Section 21(a), but exclusive of amounts payable solely from revenues or borrowed pursuant to
555 Section 20) exceed twenty percent (20%) of the then last assessed value of all real estate in said City. Before borrowing
556 any sums (other than sums borrowed pursuant to Section 20 or Section 21(a) hereof) the Council shall submit to the

557 qualified voters of said City the question of borrowing such sum or sums of money, and such borrowing shall not be
558 authorized unless first approved by a majority of the votes cast at a special election to be held for that purpose. Notice of
559 such special election stating the amount proposed to be borrowed (which may be stated as a not-to-exceed amount) and,
560 when borrowed, what the aggregate of the municipal indebtedness will be, and the purpose to which the loan will be
561 applied, shall be posted according to Delaware law at least ten (10) days prior to said special election.

562 (c) At such special election, any person who is entitled to vote in the annual City election, if it were held on that day, shall
563 be entitled to vote. The said election shall be by ballot or voting machine, if required by State law, and under like
564 provisions and by like officers as herein provided for holding general municipal elections. The ballots shall be printed 'For
565 Bond Issue' or 'Against Bond Issue' (or if for multiple projects, 'For' or 'Against' a Bond Issue in an aggregated stated
566 principal amount for a stated project. If a majority of the votes cast be 'For the Bond Issue' (or if multiple projects, For
567 Bond issue in the aggregate principal amount for a stated project), then the Council shall have the authority to borrow the
568 sum or sums of money and issue the bonds therefore, pledging the full faith and credit of said City.

569 (d) If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest therein, is payable
570 from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the City of New Castle
571 within the meaning of the bonded indebtedness limitation contained in Section 21(b) above provided, however, that in the
572 event of some emergency, the City may temporarily borrow, advance or loan such amount as is necessary to meet current
573 interest on outstanding bonds, such advance or loan to be repaid to the City of revenue subsequently received from the
574 undertaking. If revenue bonds are issued, the Council shall prescribe and have collected reasonable rates, fees or charges
575 for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to
576 time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges
577 prescribed shall be such as will procure revenue at least sufficient to pay, when due, all bonds and interest thereon the
578 payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves
579 therefore, and to provide for all expenses of operation and maintenance of such undertaking, payments in lieu of taxes,
580 depreciation and other reserves. Any bonds or indebtedness secured by both revenues and the full faith and credit of the
581 City, shall be subject to the limitations contained in Section 21(b).

582 (e) In connection with development plans, the Mayor and Council have the power to impose, upon new development or
583 construction, upon first-time occupancy of new construction, or upon annexed property such 'impact fees' as are reasonably
584 calculated to recover the proportionate cost of installing, enlarging, improving or expanding public or municipal
585 improvements including sewer, water, electric, gas, roads, parking, police and parks and to contribute to the costs of
586 operations of those volunteer fire companies and/or ambulance/paramedic companies providing services within the City.

587 (f) Any bonds, notes or evidence of indebtedness issued pursuant to this Section and the interest thereon shall be exempt
588 from taxation by the State of Delaware, its agencies and political subdivisions. The form of the bonds or certificates of
589 indebtedness authorized under this Section, if any, the time or times of payment, the interest rate, the classes, the series, the
590 maturity, the registration, any callable or redeemable feature, the denomination, the name thereof, and any other relative or
591 appurtenant matter pertaining thereto shall all be determined by the Council of the City of New Castle, by resolution. Any
592 such bonds, notes or evidences of indebtedness may be sold in a public or private sale as determined by the said Council.
593 (g) If the City shall irrevocably deposit in trust with a Delaware bank or trust company that has offices in the State of
594 Delaware, amounts sufficient, together with investment proceeds thereof, to pay principal and interest on indebtedness of
595 the City when due and upon maturity or earlier redemption, such indebtedness shall not be deemed outstanding for
596 purposes of the debt limitations contained herein. Any bonds or other debt instruments issued by the City to currently or
597 advance refund-existing indebtedness shall not require a special election, provided that the refunding results in debt service
598 savings to the City.

599 Section 22. Reserve Fund

600 The Council of the City of New Castle shall have authority to provide for a reserve fund for the redemption of any and all
601 bond issues now outstanding against said City, or which may be hereafter issued by the City, at or before their maturity.

602 Section 23. Survival of Power and Validation

603 (a) This Act shall operate to amend, revise and consolidate, 'An Act to Re-incorporate the City of New Castle' being 67
604 Del. Laws, Chap. 30 (1989), as amended by 69 Del. Laws, Chap344, and the various amendments and supplements thereto,
605 and to repeal all such parts of said Act and its amendments and supplements as are manifestly inconsistent with the
606 provisions of this Act. All powers conferred upon or vested in the City of New Castle by any Act of Law of the State of
607 Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested in the City of
608 New Castle and/or the Council of the City of New Castle, precisely as if each of the said powers was expressly repeated in
609 this Charter.

610 (b) All ordinances and resolutions heretofore lawfully enacted or adopted by the "The Mayor and Council of the City of
611 New Castle," "The Council of the City of New Castle" or the "Mayor and Council of New Castle", and now in force, shall
612 so remain until repealed, modified or altered by the Council of the City of New Castle" under provisions of this Charter; all
613 the acts and doings of the Mayor and Council of New Castle or any officers or employees of the City of New Castle
614 lawfully done or performed under the provisions of any law of this State, or of any ordinance of the City of New Castle
615 prior to the approval of this Act, are hence ratified and confirmed; all taxes, debts, fines or penalties, assessments and
616 forfeitures due the Mayor and Council of New Castle shall be deemed to be due to the City of New Castle and debts due

617 from the Mayor and Council of New Castle shall be deemed to be due from the City of New Castle and the same shall
618 remain unimpaired until paid; and the power, right and authority to collect taxes imposed under the provisions of this Act,
619 and the process which may be employed hereunder, shall be deemed to apply and to extend to unpaid taxes imposed under
620 the Charter of the City of New Castle and all amendments and supplements thereto; the bonds given by or account of the
621 Mayor and Council of New Castle shall not be impaired by or affect by the provisions of this Act, but the City of New
622 Castle shall succeed to all benefits of said bonds; all valid laws heretofore passed relating to or concerning the Mayor and
623 Council of New Castle or authorizing the borrowing of money and issuing of bonds on the credit of the Mayor and Council
624 of New Castle shall be and remain valid and good as heretofore, and shall be unaffected and unimpaired by this Act.

625 Section 24. Severability Clause

626 If any provision of this Act or the application thereof to any provision or circumstance is held invalid, the invalidity does
627 not affect other provisions or applications of the Act which can be given effect without the invalid provision or application;
628 and, to that end, the provisions of this Act are declared to be severable.

629 Section 25. Construction of Provision of Charter

630 In construing this Act, every word importing the masculine gender only may be extended to and include females as well as
631 males.

632 The word "Council" shall be construed to mean the "Council of the City of New Castle". The word "City" shall be
633 construed to mean the "City of New Castle".

634 The words "land" or "lands" or "real estate" shall be construed to include lands, tenements and hereditaments.

635 Section 26. Public Act

636 This Act shall be deemed and taken to be a public Act.

SYNOPSIS

The Bill makes various changes to the City of New Castle Charter while retaining the substance of the original charter. Significant changes include providing for four year staggered terms for elected officials rather than 2 year non-staggered terms; changing the official name of the municipality from "The Mayor and Council of New Castle" to "The City of New Castle"; providing for a three tiered system of borrowing as follows: (1) borrowing by City Council resolution permitted for short term operational expenses limited to a maximum of \$500,000; (2) borrowing by City Council resolution permitted for capital expenditures limited to 1.2% of total assessed real estate value; and (3) all other borrowing via City wide referendum.