

LAWS OF DELAWARE
VOLUME 85
CHAPTER 52
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 171

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOUSTON.

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 the Charter of the Town of Houston by making deletions as shown by strike through and insertions as shown by underline as follows:

Incorporation

Section 1.

The inhabitants of the Town of Houston within the corporate limits ~~as hereinafter~~ defined in Section 2 of this ~~Charter or Charter, and~~ as extended as hereinafter provided are hereby declared to be a body politic incorporated in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, and defend and be defended in all courts of judicature whatsoever by the corporation name of "The Town of Houston".

Annexation Of Territory

Section 3.

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

(a) (1) If all of the property owners of the territory contiguous to the ~~then~~ existing corporate limits and territory of the Town of Houston, 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 own property, the~~ property owners own property, the Mayor of the Town of Houston shall appoint a Committee composed of not less than ~~three (3)~~ 3 of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council ~~shall~~ must include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ~~ninety (90)~~ 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 of Houston.~~ Council. The report ~~so submitted shall~~ must include the advantages and

disadvantages of the proposed ~~annexation~~ annexation, both to the Town of Houston and to the territory proposed to be ~~annexed~~ annexed, and shall must contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons ~~therefor~~. ~~In the event that for the recommendation.~~ If 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, the Town Council of Houston may then pass a ~~second~~ Resolution annexing such territory to the Town of Houston. ~~Such~~ The Resolution ~~shall be passed~~ must pass by the affirmative vote of ~~two-thirds (2/3)~~ 2/3 of all the elected members of the Town Council. ~~In the event~~ If that the Committee appointed by the Mayor concludes that the proposed annexation is ~~disadvantageous~~ disadvantageous, either to the Town of Houston or to the territory proposed to be annexed, the procedure to be followed ~~shall be~~ is the same as ~~hereinafter provided~~ as if the annexation were proposed by ~~five (5)~~ 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 of Houston.

(b) (2) If ~~five (5)~~ 5 or more property owners, but less than all of the property owners of a territory contiguous to the ~~then~~ limits and territory of the Town of ~~Houston~~ Houston, by written Petition with the signature of each ~~such~~ Petitioner duly acknowledged, ~~shall request~~ requests the Town Council to annex ~~that certain the~~ territory in which ~~they own property~~, the property owners own property, the Mayor ~~of the Town of Houston~~ shall appoint a ~~Committee~~, committee, composed of not less than ~~three (3)~~ 3 of the elected members of the Town Council, to investigate the possibility of annexation. The ~~Petition~~ petition presented to the Town Council ~~shall~~ must include a description of the territory requested to be annexed and the reasons for the requested ~~annexation~~; ~~or the Town Council, by 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 the 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 Houston.~~ annexation.

(c) (3) Not later than ~~ninety (90)~~ 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 the Town ~~Council of Houston~~. Council. The report ~~so submitted shall~~ must include the advantages and disadvantages of the proposed ~~annexation~~ annexation, both to the Town of Houston and to the territory proposed to be annexed and ~~shall~~ must contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons ~~therefor~~. ~~In the event that for the Committee's recommendation.~~ If the Committee appointed by

the Mayor concludes that the proposed annexation is advantageous both to the Town of Houston and to the territory proposed to be annexed, within ~~thirty (30)~~ 30 days after receiving the report, a ~~second~~ resolution ~~shall~~ then must be passed by the Town Council proposed to the property owners and residents of both the Town of Houston 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~~ If the Committee appointed by the Mayor concludes that the proposed annexation is ~~disadvantageous~~ disadvantageous, either to the Town or to the territory proposed to be annexed, within ~~thirty (30)~~ 30 days after receiving the report of the Committee, the Resolution proposing annexation to the property owners and residents of both the Town of Houston and the territory proposed to be annexed ~~shall~~ must be passed by the affirmative vote of ~~two-thirds (2/3)~~ 2/3 of the elected members of the Town Council. If the Resolution ~~shall fail~~ fails to receive the affirmative vote of ~~two-thirds (2/3)~~ 2/3 of the elected members of the Town Council, the territory proposed to be annexed ~~shall~~ may not again be considered for annexation for a period of ~~one (1)~~ 1 year from the date that the Resolution failed to receive the required affirmative vote. The ~~second~~ Resolution ~~shall~~ must contain a description of the territory proposed to be annexed and ~~shall~~ must fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution adopted by the Town Council setting forth the above information ~~shall~~ must be printed in a newspaper having a general circulation in the Town of Houston at least ~~one (1)~~ 1 week prior to the date set for the public hearing, or, at the discretion of the Town Council, the ~~said~~ Resolution ~~shall~~ must be posted in ~~four (4)~~ 4 public places both in the Town of Houston and in the territory proposed to be annexed.

~~(d)~~ (4) Following the public hearing, but in no event later than ~~thirty (30)~~ 30 days thereafter, a Resolution ~~shall~~ must then be passed by a majority of the Town Council ordering a Special Election to be held not less than ~~thirty (30)~~ 30 nor more than ~~sixty (60)~~ 60 days after the ~~said~~ public hearing on the subject of the proposed annexation. Passage of this Resolution ~~shall ipso facto be~~ is considered the determination of the Town Council to proceed with the matter of the proposed annexation.

~~(e)~~ (5) The notice of the time and place of the ~~said~~ Special Election ~~shall be printed~~ must be published within ~~thirty (30)~~ 30 days immediately preceding the date of ~~this~~ the Special Election in at least ~~two (2)~~ 2 issues of a newspaper having a general circulation in the Town of Houston, or, in the discretion of the Town Council, the ~~said~~ notice may be posted in public places, both in the Town of Houston and in the territory proposed to be annexed at least ~~fifteen (15)~~ 15 days prior to the date set for the ~~said~~ Special Election.

~~(f)~~ (6) At the Special Election, every property owner, whether an individual, ~~partnership~~ partnership, or a corporation both in the Town of Houston and in the territory proposed to be annexed, ~~shall have one (1)~~ 1 vote. Every citizen of either the Town of Houston or of the territory proposed to be annexed over the age of ~~eighteen~~ (18) 18 years who is not a property owner ~~shall have one (1)~~ has 1 vote. In the case of property owned ~~by husband and wife jointly, the husband and wife shall each have one-half (1/2) vote. In the event that more than 1 individual,~~ partnership, or corporation, each property owner has a vote equal to the percentage of the property owner's interest in the property, but the collective vote of all property owners may not exceed 1 vote. If a person owns property both in the Town of Houston and in the territory proposed to be annexed and resides in either place, ~~he~~ the property owner may vote only where ~~he~~ the property owner resides. ~~In the event that a person~~ If a property owner owns property both in the Town of Houston and in the territory proposed to be annexed but does not reside in either place, ~~he~~ the property owner may vote only in the Town of Houston and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed for taxation ~~shall~~ are not be entitled to vote. The books and records of the Town of ~~Houston~~ Houston, in the case of property owners and citizens of the ~~Town~~ Town of Houston, and the books and records of the Board of Assessment of Kent County, in the case of property owners and residents of the territory proposed to be annexed, ~~shall be~~ are conclusive evidence of the right of such property owners and citizens to vote at the Special Election.

~~(g)~~ (7) In the event that an individual holds a Power of Attorney duly executed and acknowledged specifically authorizing the ~~said~~ individual to vote at the ~~said~~ Special Election, a duly authenticated Power of Attorney ~~shall~~ must be filed with the Town ~~Council of the Town of Houston. Said~~ Council. The Power of Attorney so filed ~~shall constitute~~ is conclusive evidence of the individual's ~~right of said person~~ to vote in the Special Election.

~~(h)~~ (8) The Town Council ~~of the Town of Houston~~ shall cause voting machines to be used in the Special Election, the form of ballot to be printed as follows:

[] For the proposed annexation

[] Against the proposed annexation

~~(i)~~ (9) The Mayor ~~of the Town of Houston~~ shall appoint ~~three (3)~~ 3 persons to act as a Board of Special Election, with the concurrence of a majority of the council, members of the Town Council, at least ~~one (1)~~ 1 of whom ~~shall~~ must own property in the Town of Houston and at least ~~one (1)~~ 1 of whom ~~shall~~ must own property

in the property proposed to be annexed. One ~~(1)~~ of the ~~said~~ persons so appointed shall must be designated the Presiding Officer. Voting shall must be conducted in a public place as designated by the Resolution calling the Special Election. The Board of Special Election shall have available, clearly marked, ~~two~~ ~~(2)~~ 2 voting machines. All votes cast by ~~those~~ persons, ~~partnerships~~ partnerships, or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall must be accomplished on ~~one such~~ 1 voting machine and all ballots cast by those persons, partnerships, or corporations who are authorized to vote as residents or property owners of the Town of Houston shall must be accomplished on the other ~~such~~ voting machine. The polling place shall must be open from ~~one o'clock in the afternoon,~~ 1 p.m., prevailing time, until ~~six o'clock in the evening,~~ 6 p.m., prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall ~~be~~ are permitted to vote, even though ~~such~~ the votes are not cast until after the time for the closing of the polls.

~~(j)~~ (10) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result ~~thereof, the~~ thereof. ~~The~~ Board of Special Election shall make a ~~Certificate~~ certificate under ~~their~~ the Board of Special Election's Hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the ~~same~~ certificate to the Town ~~Council of the Town of Houston.~~ Said Council. ~~The~~ certificate shall must be filed with the papers of the Town Council.

~~(k)~~ (11) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast, both from the Town of Houston and from the territory proposed to be annexed, must have been cast in favor of the proposed annexation. ~~In the event that~~ If the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall ~~may~~ may again be considered for annexation for a period of at least ~~one~~ ~~(1)~~ 1 year from the date of the ~~said~~ Special Election. If a favorable vote for annexation shall ~~have~~ has been cast, the Town Council ~~of the Town of Houston~~ shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent ~~County,~~ County, ~~but in no event shall said~~ County. ~~The~~ recordation must be completed ~~more than ninety~~ ~~(90)~~ within 90 days following the date of the ~~said~~ Special Election. The territory considered for annexation shall ~~be~~ is considered to be a part of the Town of Houston from the time of recordation. The failure to record the description or the plot

within the specified time ~~shall~~ does not make the annexation invalid, but such annexation ~~shall be~~ is deemed to be effective at the expiration of the ~~ninety (90) day~~ 90-day period from the date of the favorable Special Election.

(4) (12) If the territory proposed to be annexed includes only territory ~~which~~ that is exempt from taxation or ~~which~~ that is not assessed on the books on the Board of Assessment of Kent County, no election ~~shall be~~ is necessary and the Town Council ~~of the Town of Houston~~ may proceed to annex ~~such~~ the territory by receiving a certified copy of a Resolution requesting ~~such~~ annexation, if ~~such~~ the property is owned by a corporation, or by a written Petition with the signature of each ~~such~~ Petitioner duly acknowledged, if ~~such~~ the property is owned by an individual, requesting the Town Council to annex that certain territory in which they own property. The certified copy of the Resolution or the Petition ~~shall~~ must include a description of the territory requested to be annexed and the reasons for the requested annexation. Upon receipt of the certified copy of the Resolution or the Petition, the Mayor ~~of the Town of Houston~~ shall appoint a committee composed of not less than ~~three (3)~~ 3 of the elected members of the Town Council to investigate the possibility of annexation. Not later than ~~ninety (90)~~ 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 of Houston~~ Council. The report ~~so submitted shall~~ must include the advantages and disadvantages of the proposed ~~annexation~~ annexation, both to the Town of Houston and to the territory proposed to be ~~annexed~~ annexed, and ~~shall~~ must contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefor. ~~In the event that~~ for the committee's recommendation. If the committee appointed by the Mayor concludes that the proposed annexation is ~~advantageous~~ advantageous, both to the Town of Houston and to the territory proposed to be annexed, the Town Council ~~of Houston~~ may then pass a ~~second~~ Resolution annexing such territory to the Town of Houston. Such Resolution ~~shall~~ must be passed by the affirmative vote of ~~two-thirds (2/3)~~ 2/3 of all the elected members of the Town Council. In the event that the ~~committees~~ committee appointed by the Mayor concludes that the proposed annexation is ~~disadvantageous~~ disadvantageous, either to the Town of Houston or to the territory proposed to be annexed, the Resolution ~~shall~~ must be passed by ~~three-fourths (3/4)~~ a 3/4 affirmative vote of all the elected members of the Town Council. If the Resolution fails to receive the required number of votes, no part of the territory proposed for annexation ~~shall~~ may again be proposed for annexation for a period of ~~one (1)~~ 1 year from the date that the Resolution failed to receive the required votes. If the Resolution receives the required number of votes, the Town Council ~~of the Town of Houston~~ shall cause a description and a

plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds in and for Kent ~~County, and~~
~~in no event shall such~~ County. The recordation must be completed ~~more than ninety (90)~~ within 90 days following
the passage of the Resolution. The territory considered for annexation ~~shall be~~ is considered to be a part of the
Town of Houston from the time of recordation. The failure of the Town Council to record the description and plot
within the time hereinbefore specified ~~shall~~ does not make the annexation invalid, but such annexation ~~shall be~~ is
deemed to be effective at the expiration of the ~~ninety (90)~~ 90 day period from the date of the passage of the
Resolution.

Structure Of Government

Section 4.

The government of the Town of Houston and the exercise of all powers conferred by this Charter, except as
otherwise provided herein, ~~shall be~~ is vested in the Town Council, consisting of a Mayor and ~~four Council members.~~
4 Town Councilmembers. The term of the Mayor ~~shall be~~ is for a period of ~~two~~ 2 years and the term of each ~~Council~~
~~member shall be~~ Town Councilmember is for the period of ~~two~~ 2 years, each term commencing at the ~~annual first~~
regular meeting of the Town Council following ~~his~~ the annual municipal election and continuing until ~~his~~ a successor
is duly elected and qualified.

Qualifications For Town ~~Councilman~~ Councilmember And Mayor

Section 5.

(a) ~~The~~ The qualifications for Town ~~Councilman~~ Councilmember and the Mayor ~~shall be~~ are as follows:

(a) ~~(1)~~ (1) A bona fide resident of the United States and of the State of Delaware and a resident of the
Town of Houston for at least ~~one (1)~~ 1 year ~~next~~ preceding the ~~Annual Municipal Election; and annual~~
municipal election;

(b) ~~(2)~~ (2) At least ~~eighteen (18)~~ 21 years of age;

(3) Be a citizen of the United States of America;

(c) ~~Be non delinquent~~ (4) Is not delinquent in their the payment of town taxes; taxes, utilities, or any
other debt owed to the Town of Houston;

(5) Has not been adjudged mentally incompetent;

(6) Has not been convicted of a felony; and

(7) Has not previously resigned, within the 2 years prior to being elected, as a Town Councilmember or Mayor for reasons other than personal health, a close family member's health, work obligations, or loss of residency in the Town of Houston.

~~(d)~~ (b) Each of the qualifications for Town ~~Councilman~~ Councilmember or Mayor ~~shall be~~ is a continuing ~~qualifications~~ qualification to hold office, and failure of any of ~~the Councilmen~~ Town Councilmember or the Mayor to have any of the qualifications required by this Section during the terms of ~~his office~~ will create creates a vacancy in the office.

Method Of Making Nominations For Town ~~Councilman~~ Councilmember

Section 6.

(a) ~~On the last a Saturday in February, two~~ (2) December, or a different date set by the Town Council, 2 members of the Town Council shall sit at a place designated by the Town Council within the ~~Corporate~~ corporate limits of the Town of Houston between the hours of 6 p.m. and 8 p.m., ~~or at a different time set by the Town Council,~~ to accept the names of candidates for election to the office of Mayor and for election to the office of Town ~~Council Member.~~ Councilmember. Notice stating the date, ~~time~~ time, and place of sitting ~~shall~~ must be posted in public places in the Town of Houston at least ~~ten~~ (10) 14 days prior to date of sitting.

(b) The Town Council shall cause to be printed ballots. ~~Said ballot shall~~ The ballots must contain the names of all persons nominated. ~~Such~~ The ballots ~~shall~~ must be delivered to the persons appointed or selected to hold the election at the opening of the polls. Voting machines ~~shall~~ must be used; ~~however, in the event no contest exists, they shall not be used but, if no there is no contest, voting machines are not required.~~ Voters may also prepare for themselves ballots, either printed or written.

Manner Of Holding The Annual Municipal Election

Section 7.

The procedure for holding the annual municipal election ~~shall be~~ is as follows:

~~(a)~~ (1) The annual municipal election ~~shall~~ must be held at a place designated by the Town Council within the corporate limits of ~~The~~ the Town of Houston on the last Saturday in ~~March~~ February of each ~~and every~~ year from ~~three o'clock in the afternoon, 3 p.m., prevailing time, until seven o'clock in the evening, 7 p.m., prevailing time.~~ The first ~~said~~ annual municipal election to be held pursuant to this Charter is to be held on the last Saturday in March A.D. 1979.

(b) (2) The ~~present~~ Mayor and ~~Members~~ members of the Town Council shall, by this ~~Aet~~, Charter, be appointed to serve and shall continue to serve from and after the passage ~~hereof~~ of this Charter until a Mayor and ~~Councilmen~~ Town Councilmembers are duly ~~elected; and that at~~ elected. At the annual election held on the last Saturday in March, A.D. 1979, after the passage of this ~~Aet~~ Charter as provided for in Section 6 of this ~~Aet~~, Charter, a Mayor and ~~four~~ (4) ~~Councilmen~~ shall 4 Town Councilmembers must be elected, the elected. The Mayor and ~~two~~ Councilmen ~~shall be 2 Town Councilmembers are elected for the term of one 1 year, or until their successors shall be~~ are duly qualified, and two Councilmen 2 Town Councilmembers are elected for the term of two 2 years, or until their successors shall be are duly qualified; and thereafter at qualified. At every subsequent annual ~~election~~ municipal election, the successors to the Mayor and ~~Councilmen~~ Town Councilmembers whose terms ~~shall~~ have expired ~~shall be~~ are chosen to serve for the term of ~~two 2~~ 2 years, or until their successors ~~shall be~~ are duly ~~qualified; and if~~ qualified. If any vacancy or vacancies ~~shall~~ occur among them by death, resignation, refusal to serve, or otherwise, the remaining ~~Councilmen~~ shall have the power to Town Councilmembers may fill such the vacancy or vacancies until the ~~ensuing~~ next annual municipal election, at which time ~~such the~~ vacancy or vacancies shall be are filled by the election of a Mayor or ~~Councilmen~~ Town Councilmember to fill the unexpired term of the Mayor or ~~Councilmen~~ Town Councilmember in whose stead they ~~shall be~~ are elected.

(c) (3) The annual municipal election ~~shall~~ must be conducted by a Board of Election consisting of an Inspector and ~~two~~ (2) ~~Judges~~ 2 judges appointed by the ~~Mayor of the Town of Houston~~, Mayor, with the concurrence of a majority of the members of the Town Council, not later than the last regular meeting of the Town Council prior to the date of the annual municipal election. The Board of Election shall determine who is and who is not lawfully entitled to vote thereat, take reasonable steps to see that the law pertaining to the annual municipal election receives compliance, and shall take reasonable steps 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 annual municipal election ~~shall~~ are not be present at the polling place at the time designated for the holding of the annual municipal election, ~~it shall be lawful~~ for the qualified voters present at the polling place at the time of holding such the annual municipal election to ~~elect~~ may elect, from among their own ~~number~~ number, a person to fill each vacancy ~~and such on the~~ Board of Election ~~cause~~ 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 the~~ the annual municipal election.

~~(d)~~ (4) At such ~~the~~ annual municipal election every person, ~~male or female, who shall have attained the age of eighteen (18)~~ who is 18 years old or older on or before the date of the annual municipal election and who ~~shall be~~ is a bona fide resident of the Town of Houston ~~shall have one (1)~~ has 1 vote. All voters ~~must be residents of the Town of Houston~~. The Town ~~Council~~, Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite for voting at the annual municipal election.

~~(e)~~ (5) All votes offered at the annual municipal election ~~shall~~ must be offered in person, except in cases where a person is under ~~doctors~~ a doctor's care, on military duty, or out of town for business reasons. All reasons must be in writing and notarized and submitted with a copy of the ballot, prepared by the voter, and also notarized, in a sealed envelope, and delivered to the ~~Election~~ Inspector no later than 3:00 P.M. 3 p.m. on the day of the ~~Election~~. annual municipal election.

~~(f)~~ (6) Upon the close of the annual municipal election, the votes ~~shall~~ must be read and counted publicly. The persons having the highest number of votes for each office ~~shall be~~ are declared duly elected and shall continue in office for the term ~~stated~~ stated, or until his successors are duly elected and qualified. In case of a tie, there ~~shall~~ must be a run-off election between the candidates so tied.

~~(g)~~ (7) The ~~Election~~ Board of Election shall enter in a Book, to be provided for that purpose, minutes of the annual municipal election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the ~~Election~~, annual municipal election, which Book, consisting ~~such~~ of the annual municipal elections minutes, ~~shall~~ must be preserved by the Town Council, and ~~shall be~~ is evidence in any Court of Law and Equity. All ballots cast, all tabulations of votes from voting ~~machines~~ machines, and the records of the ~~Elections~~ shall annual municipal election must be preserved in the custody of the ~~Election~~ Board of Election for a period of ~~ten (10)~~ 10 days.

Organization And Annual Meeting Of The Town Council

Section 8.

(a) Before entering upon the duties of ~~their respective offices~~, office, the Mayor-Elect and the ~~Councilmen-Elect~~ Town Councilmembers-Elect must be sworn by a Notary Public to perform faithfully and impartially the duties of ~~their respective offices~~ office with fidelity. At ~~seven-thirty o'clock in the evening~~, 7 p.m., prevailing time, or at a different time the Town Council may determine, at the first regular meeting following the annual municipal election, the Town Council shall meet at the Town Council Chamber and the newly elected ~~officers~~ Mayor and Town

Councilmembers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.

(b) At the annual meeting, held on the first regular meeting following the annual municipal election, the Town Council shall select a Vice-Mayor from among ~~their own number~~ the Towns Council's members to serve until the first regular meeting after the next annual municipal election and shall also select a Secretary, who may or may not be ~~from among their own number~~, a Town Councilmember, to serve until the first regular meeting after the next annual municipal election and shall also select an Assistant Secretary to serve, as aforesaid, who may or may not be ~~from among their own number~~, a Town Councilmember, and such other officers and employees as may be determined to be necessary.

Regular And Special Meetings

Section 9.

The Town Council ~~of the Town of Houston~~ shall hold ~~one (1)~~ 1 meeting in each month on the first Thursday of the ~~month~~. month, or on a different day the Town Council may determine. If the first Thursday of the month ~~shall be~~ is a legal holiday, the monthly meeting of the Town Council ~~of the Town of Houston shall~~ must be held on the next succeeding ~~regular business day~~. Thursday. Special meetings ~~shall be~~ are called by the Secretary upon the written request of the Mayor of the Town of Houston, or upon the written request of any ~~two (2)~~ 2 members of the Town ~~Council of the Town of Houston~~, Council, stating the day, ~~hour~~ 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~~ hour, and place of ~~such~~ the special meeting and the subject or subjects to be considered thereat. ~~Such~~ The notice of the Secretary ~~shall~~ must be deposited in the United States mail in the main Post Office of the Town of Houston at least ~~forty-eight (48)~~ 48 hours before the time of ~~said~~ the special meeting, PROVIDED, HOWEVER, that a written waiver of ~~such~~ notice signed by the Mayor ~~of the Town of Houston~~ and by all members of the Town Council prior to or immediately upon convening of the ~~said~~ such special meeting shall make ~~such~~ written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the ~~meeting~~ special meeting, if the waiver so states.

Quorum

Section 10.

A majority of the members elected to the Town Council ~~shall constitute~~ constitutes a quorum at any regular or special meeting; but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

Rules And Minutes Of The Town Council

Section 11.

The Town Council shall determine its own rules and order of business and shall keep a journal of its proceedings, and the yeas and nays ~~shall~~ must be taken upon the passage of every ordinance and resolution and ~~shall~~ must be entered in the journal with the text of the ordinance or resolution.

Vacancies

Section 12.

If any vacancy ~~shall occur~~ occurs in the office of Mayor or ~~Councilman~~ Town Councilmember by death, resignation, loss of residence in the Town of Houston, refusal to serve, or otherwise, the ~~same~~ vacancy may be filled by a majority vote of the remaining members of the Town Council. The person or persons ~~so~~ chosen to fill ~~such~~ the vacancy ~~shall~~ must be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.

Disqualifications

Section 13.

If the Mayor or any ~~Councilman~~, Town Councilmember, during ~~his~~ the Mayor's or the Town Councilmember's term of office, ~~shall be~~ is found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever, or violates ~~(a), (b) or (c) of Section 5,~~ Section 5 of this Charter, or ~~shall~~ for any reason ~~cease~~ ceases to be a resident of the ~~Town,~~ the Town of Houston, the Mayor or the Town Councilmember ~~is~~ forthwith ~~be~~ disqualified to act as Mayor or ~~Councilman~~ Town Councilmember and ~~his~~ the office ~~shall be~~ is deemed vacant and ~~shall~~ must be filled by the Town Council, as aforesaid. A resignation may or may not be requested by the Town Council.

Contracts

Section 14.

(a) It ~~shall be~~ is unlawful for the Town Council to make or enter into any contract ~~in excess of Five Hundred Dollars (\$500.00)~~ for materials, supplies, services, ~~work~~ work, or labor, for the benefit and use of the Town of Houston

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, or with any corporation in which any member of the Town Council or the Mayor is a Director or controlling stockholder or any firm or company which any member of the Town Council or the Mayor is pecuniarily interested, provided that if all the elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. interested. Any such contract executed without such unanimous vote shall be is 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~~ must be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a responsive bid; PROVIDED, HOWEVER, that competitive bidding ~~shall~~ is not be required in any of the following circumstances:

- (1) The aggregate amount involved is not more than ~~Five Hundred Dollars (\$500.00);~~ \$5,000.00;
- (2) The purchase or ~~contract~~ contract is for personal or professional services;
- (3) The purchase or contract is for any service rendered by a ~~University;~~ 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;
- (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) The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition;
- (8) A public ~~emergency~~ emergency, as determined by the Town ~~Council~~ Council, exists.

Duties Of The Mayor And President Of Council

Section 15.

(a) The Mayor shall preside at all Town Council meetings ~~thereat~~, and shall vote on all matters brought before the Town Council for a vote. ~~He~~ The Mayor shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ~~ordinances~~, ordinances. The Mayor 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~~ the complaints. ~~He~~ The Mayor may require the Alderman or the Assistant Alderman, as hereinafter provided for in this ~~Act~~, Charter, to proceed upon ~~such~~ the infractions or violations of law and ordinances immediately ~~in the event that he~~ if the Mayor deems such action to be required. The Mayor shall perform such other duties and have such other powers as the Town Council shall ~~determine~~ determine, not in conflict with the provisions of this Charter.

(b) The Mayor, within ~~thirty (30)~~ 30 days following ~~his~~ the Mayor's election, may appoint, by and with the advice and consent of a majority of the elected members of the Town Council, ~~two (2)~~ 2 suitable persons who ~~shall be~~ are qualified voters of the Town of Houston to act as Alderman and Assistant Alderman. Both the Alderman and the Assistant Alderman shall hold office until each successor ~~shall be~~ is duly appointed and chosen.

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

(d) The Mayor may appoint ~~such~~ other committees as ~~he~~ the Mayor deems necessary for the proper administration of the Town of Houston or the Town Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this ~~Act~~, Charter.

(e) It ~~shall be~~ is the duty of the Vice-Mayor, in the absence of the ~~Mayor~~ Mayor, to preside at all meetings of the Town Council ~~in the event of absence of the Mayor~~ and perform such other duties and to have such other powers of the Mayor as are prescribed by ~~the~~ this Charter ~~of the Town of Houston~~ or by any Ordinance of the Town Council.

Secretary

Section 16.

(a) The Secretary must be an owner of property in the Town of Houston, a citizen and resident of the Town of Houston, and at least 21 years old at the time of appointment as Secretary.

(b) The Secretary, before entering upon the duties of the office, must be sworn, or affirmed, to faithfully and honestly perform the duties of the office. The oath or affirmation must be administered by the Mayor, the acting Mayor, the Town Solicitor, or a judge of the State of Delaware.

~~(a)~~ (c) The Secretary shall have charge and custody of books, journals, records, ~~papers~~ papers, and other effects of the Town of Houston and shall keep the same in a safe and secure place. ~~They~~ The Secretary shall keep a full and complete record of all the transactions in the Town of Houston. The Secretary shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by Ordinance or rule of the Town ~~Council of the Town of Houston.~~ Council. The Secretary shall file and keep in a safe place, as may be determined by the Town Council, the seal of the Town of Houston and all papers and documents arising out of the proceedings of the Town Council ~~of the Town of Houston~~ relative to the affairs of the Town. ~~They~~ Town of Houston. The Secretary shall deliver the same to ~~his~~ the Secretary's successor in office. ~~They~~ The Secretary shall attest the seal of the Town of Houston when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by Ordinance.

~~(b)~~ (d) All books, ~~records~~ records, and journals of the Town of Houston in the custody of the Secretary ~~may,~~ may be inspected, in the presence of the Mayor, Secretary, Assistant ~~Secretary~~ Secretary, or any member of the Town ~~Council of the Town of Houston, be inspected~~ Council, by any registered voter of the Town of Houston desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the ~~Town.~~ Town of Houston.

~~(e)~~ (e) All books, records, ~~papers~~ papers, and documents in the custody of the Secretary ~~shall~~ must be open for inspection by members of the Town ~~Council of the Town of Houston.~~ Council.

~~(d)~~ (f) Compensation, if any, of the Secretary for ~~his~~ the Secretary's duties, ~~shall be~~ is determined by the Town Council.

Assistant Secretary

Section 17.

The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by resolution ~~to~~ of the Town Council ~~of the Town of Houston~~ and shall receive such compensation as the Town ~~Council~~ Council, by ~~Resolution~~ resolution, shall determine. The Assistant Secretary

must be an owner of property in the Town of Houston, a citizen and resident of the Town of Houston, and at least 21 years old at the time of appointment as Assistant Secretary. The Assistant Secretary, before entering upon the duties of the office, must be sworn, or affirmed, to faithfully and honestly perform the duties of the office. The oath or affirmation must be administered by the Mayor, the acting Mayor, the Town Solicitor, or a judge of the State of Delaware.

Alderman And Assistant Alderman

Section 18.

(a) ~~The Mayor may appoint some suitable person to act as Alderman and may appoint some suitable person to act as Assistant Alderman. Any person appointed by the Mayor to serve as Alderman or and Assistant Alderman shall~~ must be at least ~~twenty-one (21)~~ 21 years of age, ~~shall be of good character and reputation~~ reputation, an owner of property in the Town of Houston, and shall be a citizen and resident of the Town of Houston and shall Houston. ~~The Alderman and the Assistant Alderman may not be a member of the Town Council of the Town of Houston.~~ Council. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman ~~shall be~~ is appointed for an indefinite term and any such appointment ~~shall~~ must be confirmed by a majority of all members of the Town ~~Council~~ Council of the Town of Houston. Council. Either the Alderman or the Assistant Alderman may be removed from office at any time, with or without cause, by the affirmative vote of ~~two-thirds (2/3)~~ 2/3 of all the elected members of the Town ~~Council of the Town of Houston.~~ Council.

(b) Before entering upon the duties of ~~his~~ the office, the person appointed by the Mayor to serve as Alderman and the person appointed by the Mayor to serve as Assistant Alderman ~~shall~~ must be sworn or affirmed by the Mayor to perform the duties of ~~his~~ the office honestly, ~~faithfully~~ faithfully, and ~~diligently and~~ diligently; to uphold and enforce ~~the this Charter of the Town of Houston~~ Charter; and to carry into effect all orders of the Town Council ~~of the Town of Houston~~ made pursuant to any law of this State. ~~the~~ The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods the Assistant Alderman ~~shall have~~ has all the powers and duties of Alderman.

(c) The Town Council shall procure suitable records for the use of the Alderman and the Assistant Alderman. Such records ~~shall be~~ are known as the "Alderman's Docket". The Alderman and the Assistant Alderman shall each record all official acts and proceedings in the Alderman's Docket.

(d) The Alderman and the Assistant Alderman ~~shall~~ have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of the Town of Houston so far as to arrest and hold for bail or fine and imprison offenders for any offense, ~~penalty~~ penalty, or forfeiture prescribed by ~~the~~ this Charter of ~~the Town of Houston~~ and any Ordinance enacted thereunder; of all neglects, ~~omissions~~ omissions, or default of any officer, agent or employee of the ~~Town~~; Town of Houston; PROVIDED, HOWEVER, that neither the Alderman nor the Assistant Alderman ~~shall~~ may impose any fine in excess of ~~Five Hundred Dollars (\$500.00)~~ \$500.00 nor imprison any offender for more than ~~sixty (60)~~ 60 days, or both, except as otherwise provided in ~~the Charter of the Town of Houston.~~ this Charter. The Alderman and the Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by Ordinance or Resolution of the Town ~~Council of the Town of Houston;~~ Council; PROVIDED, HOWEVER, that no costs ~~shall~~ may be imposed which are in excess of that which may be imposed by a Justice of the Peace for like service.

(e) The Alderman and the Assistant Alderman shall prepare and submit a monthly report to the Town Council reporting all fines and penalties imposed during the preceding calendar month and shall pay to the Treasurer ~~of the Town~~ all such fines and penalties.

(f) The Alderman and the Assistant Alderman shall receive ~~such a~~ salary as may be fixed from time to time by Resolution of the Town Council.

(g) If any Alderman or Assistant Alderman ~~shall be~~ is removed from office as hereinbefore provided, ~~he~~ the Alderman or Assistant Alderman shall deliver to the Town Council, within ~~two~~ 2 days after ~~his~~ the Alderman or Assistant Alderman's removal from office, all the books and papers belonging to ~~his~~ the office, and to pay over to the Town Council all moneys in ~~his~~ the Alderman or Assistant Alderman's hands within ~~five (5)~~ 5 days after receiving the notice of ~~his~~ the Alderman or Assistant Alderman's removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the Town Council shall require the auditor of the ~~Town~~; Town of Houston, appointed as hereinafter provided, to make an audit of the books and papers of the ~~official so~~ Alderman or Assistant Alderman who has been removed from ~~the~~ office. Upon the neglect or failure to deliver all the books and papers to the Town Council within the time specified by this Charter, or to pay over all of the moneys to the Town Council within the time specified, the Alderman or Assistant Alderman, so removed, ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction thereof ~~shall~~ must be fined not less than ~~Twenty-five Dollars (\$25.00)~~ \$25.00 nor more than ~~One Hundred Dollars (\$100.00)~~ \$100.00 for each day ~~he~~ the

removed Alderman or Assistant Alderman fails to deliver the books and papers to the Town Council or to pay over all moneys to the Town Council.

Treasurer

Section 19.

(a) The Treasurer shall must be a citizen and resident of the ~~said town~~ Town of Houston, an owner of property in the Town of Houston, and ~~above the age of twenty-one~~ at least 21 years of age old at the time of ~~his~~ the Treasurer's appointment.

(b) The Town Treasurer, before entering upon the duties of ~~his~~ the office, ~~shall must~~ be sworn sworn, or ~~affirmed~~ affirmed, to faithfully and honestly perform the duties of ~~his~~ the office, which oath or affirmation ~~shall must~~ be administered by the ~~President, or acting President of Council.~~ Mayor, the acting Mayor, the Town Solicitor, or a judge of the State of Delaware.

(c) The Town Treasurer, before entering upon the duties of ~~his office~~ the office, shall also give bond to the Town of Houston, with sufficient surety to be approved by the Town Council, in the ~~penal~~ sum of the amount in the municipal aid account or in the amount of ~~Five Thousand Dollars (\$5,000.00)~~ \$10,000.00, whichever is greater, conditioned for the faithful discharge of the duties of ~~his~~ the office and for the payment of ~~his~~ the Treasurer's successor in office of all sums of money belonging to ~~said Town,~~ the Town of Houston, which remain in ~~his~~ the Treasurer's hands upon the settlement of ~~his~~ the Treasurer's accounts, to which bond condition ~~shall must~~ be annexed a warrant of attorney for the confession of ~~judgement~~ judgment for said penalty.

(d) The Treasurer shall pay all orders drawn on ~~him~~ the Treasurer by order of ~~said~~ the Council out of any moneys in ~~his~~ the Treasurer's hands belonging to ~~said Town.~~ He the Town of Houston. The Treasurer shall settle ~~his~~ the Treasurer's accounts with ~~said~~ the Town Council annually by the end of the fiscal year, and oftener and at such other times as the Town Council may require.

~~Collector Of Taxes~~ The Town Tax Collector

Section 20.

(a) The Collector of Taxes shall Town Tax Collector must be a citizen and resident of the ~~said~~ Town of Houston, an owner of property in the Town of Houston, ~~above the age of twenty-one~~ at least 21 years of age old at the time of ~~his~~ the Town Tax Collector's appointment. The Town Tax Collector, before entering upon the duties of the office, must be sworn, or affirmed, to faithfully and honestly perform the duties of the office, which oath or affirmation

must be administered by the Mayor, the acting Mayor, the Town Solicitor, or a judge of the State of Delaware shall administer the oath or affirmation.

(b) ~~It shall be~~ is the duty of the Town Tax Collector to collect all Town Taxes, water and sewer rents, charges for electric current, trash service, and all other kinds of Town revenue, and to pay the same to the ~~Town~~ Treasurer as herein ~~otherwise~~ provided.

(c) ~~The Town Collector,~~ Town Tax Collector, before entering upon the duties of ~~his offices,~~ the office, shall give bond to the Town of Houston with sufficient surety to be approved by the Town Council, in the sum of the amount of the municipal aid ~~account,~~ account or in the amount of \$10,000.00, whichever is greater, conditioned for the faithful performance of the duties of ~~his~~ the Town Tax Collector's office, and the payment to the Treasurer of ~~said~~ the Town of Houston of all moneys collected by ~~him~~ the Town Tax Collector belonging to ~~said~~ the Town of Houston from taxes, sewer and water rents, electric current accounts, trash service, and all other Town of Houston revenue, and for the settlement of ~~his~~ the accounts with the Treasurer of ~~the Town~~ at the end of each fiscal year, and oftener and at such other times as the Town Council may require, to which bond and condition there ~~shall~~ must be annexed the usual full warrant of attorney for confession of ~~judgement~~ judgment for said penalty.

Town Solicitor

Section 21.

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

Board Of Health

Section 22.

(a) The Board of Health shall consist of ~~four~~ (4) 4 members, ~~one~~ 1 of whom ~~shall~~ must be a practicing physician. ~~The Board~~ Mayor shall ~~be appointed by~~ appoint the ~~Mayor of the Town of Houston~~ Board of Health, with the advice and consent of a majority of the elected members of the Town ~~Council~~ Council, at the annual meeting

hereinbefore provided and shall serve for ~~one (1)~~ 1 year or until ~~their~~ the members' successors are duly appointed and qualified. The Board of Health shall have cognizance of and interest in the life and health of the people of the ~~Town of Houston~~. The Board of Health shall report to the Town Council in writing whatever is deemed by the Board of Health to be injurious to the health of the people of the Town of Houston and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the citizens of the Town of Houston. The Board of Health shall organize by the election of a Chairman and Secretary within ~~ten (10)~~ 10 days after notice of ~~their~~ the Board of Health's appointment and shall keep a record of ~~their~~ the Board of Health's proceedings and acts. The Secretary ~~shall be~~ is the executive officer of the ~~Board~~. Board of Health.

(b) The Secretary of the Board of Health may be allowed a reasonable annual compensation for ~~his~~ the Secretary's services, which ~~shall be~~ is determined by the Town Council and no other compensation ~~shall~~ may be paid to the Secretary for ~~his~~ the Secretary's services as such. The Secretary may or may not be a member of the Board of Health appointed by the Mayor, but ~~he shall~~ the Secretary must be a resident of the Town of Houston.

(c) The Board of Health ~~shall have~~ has the power to recommend the adoption of ordinances relating to the health of the population of the Town of Houston or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the same and such ordinances, when adopted by the Town Council, ~~shall~~ extend to an area outside the Town of Houston limits for a distance of ~~one (1)~~ 1 mile.

(d) If the ~~Council~~ Mayor fails to appoint a Board of Health, the ~~five (5) Council members~~ 5 Town Councilmembers shall duly serve.

Police Force

Section 23.

(a) The Town Council shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police force. The police force shall preserve peace and order and shall compel obedience within the Town of Houston limits to the Ordinances of the Town of Houston and the laws of the State of Delaware. The police force ~~shall have~~ has such other duties as the Town Council shall, from time to time, prescribe. The Chief of Police and the members of the police force ~~shall be~~ are subject to the direction of the Police Commission of the Town Council.

(b) Each member of the police force ~~shall have~~ has police powers similar to those of constables within the Town of Houston limits and within ~~one (1)~~ 1 mile outside ~~said~~ the limits and ~~shall be~~ are conservators of the peace

throughout the Town of Houston. ~~They~~ Each member of the police force shall suppress all acts of violence and enforce all laws relating to the safety of persons and property and shall compel the enforcement of all laws enacted by the Town ~~Council of the Town of Houston.~~ Council. In the case of a pursuit of an offender, the power and authority of the police force ~~shall extend~~ extends outside the territorial limitations of the Town of Houston to all parts of the State of Delaware.

(c) Every person sentenced to imprisonment by the ~~Alderman or~~ Alderman, the Assistant ~~Alderman~~ Alderman, or a Justice of the Peace, as the case may be, ~~shall~~ must be delivered by a member of the police force to the correctional institution located in Kent County to be there imprisoned for the term of ~~his~~ the person's sentence.

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

(e) It ~~shall be~~ is the duty of the police force to suppress riotous, ~~disorderly~~ disorderly, or turbulent assemblages of persons in the streets of the Town of Houston or the noisy conduct of any person in the same. Upon the view of the above or upon view of the violation of any Ordinance of the Town of Houston relating to peace and good order thereof, the police force ~~shall have~~ has the right and power to arrest without warrant.

Annual Audit

Section 24.

At the annual meeting hereinbefore provided, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, shall appoint ~~Auditor~~ an auditor of accounts for the Town of Houston. ~~It shall be the duty of the to~~ The auditor shall audit the accounts of the Town of Houston and all its officers whose duty involves the collection, ~~eustody~~ custody, and payment of moneys to the ~~Town.~~ Town of Houston. The auditor shall audit the books of the Alderman and the Assistant Alderman of the Town of Houston, the records of all fines, penalties,

~~and~~ costs imposed or collected by ~~him~~ the Alderman pursuant to any ~~judgement, order~~ judgment, order, or decree made. The auditor shall annually make and deliver a detailed report of any and all accounts, ~~records~~ records, and books ~~by them~~ examined and audited ~~which report, shall by the auditor.~~ The report must be available to any resident ~~and/or~~ or taxpayer of the Town of Houston. The auditor, in the performance of ~~his~~ the auditor's duties, ~~shall have~~ may access ~~to~~ all records and accounts of the offices of the Town Council, and ~~he is hereby authorized and empowered to the~~ auditor may employ such clerks as in ~~his judgement~~ the auditor's judgment may be necessary in the proper performance of ~~his~~ the auditor's duties.

Board Of Assessment

Section 25.

(a) ~~The Mayor shall appoint the~~ Board of Assessment ~~shall be appointed by the Mayor of the Town of Houston,~~ Assessment, with the advice and consent of a majority of the elected members of the Town Council, for an indefinite term. The Board of Assessment shall consist of ~~three (3)~~ 3 members, all of whom ~~shall must~~ must be ~~over the age of twenty-one (21) years,~~ at least 21 years old, bona fide residents of the Town of ~~Houston~~ Houston, and freeholders of the ~~Town.~~ Town of Houston.

(b) ~~They shall~~ The Board of Assessment members must be sworn or affirmed by the Mayor ~~of the Town of Houston~~ or by a Notary Public to perform ~~their~~ the Board of Assessment's duties with fidelity and without favor. It ~~shall be their~~ is the Board of Assessment's duty to make a fair and impartial assessment of property and persons subject to taxation situate within the corporate limits of the Town of Houston and to perform such other duties and reference thereto as ~~shall may~~ may be prescribed from time to time by the Town ~~Council of the Town of Houston.~~ Council. Compensation to be received by ~~them~~ the Board of Assessment for the performance of ~~their~~ the Board of Assessment's duties in the hiring of employees to assist ~~them~~ the Board of Assessment in the performance of ~~their~~ the Board of Assessment's duties ~~shall be~~ is fixed by and subject to the approval of the Town ~~Council of the Town of Houston.~~ Council.

(c) In making such assessment, the rules and exemptions now applicable by law to the making of the assessment for Kent County of persons and property ~~shall be~~ are applicable insofar as consistent with the provisions of this Charter.

Assessment Of Taxes

Section 26.

(a) The Board of Assessment shall, within ~~ninety (90)~~ 90 days prior to the beginning of the next fiscal year, make a just, ~~true~~ true, and impartial annual valuation or assessment of all real estate and improvements located thereon located within the Town of Houston. All real estate ~~shall~~ must be described with sufficient particularity to be identified. Real estate ~~shall~~ must be assessed to the owner or owners if ~~he or they be~~ the owner or owners are known. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown". A mistake in the name of the owner or owners or a wrong name or an assessment to "owner unknown", ~~shall~~ does not affect the validity of the assessment of any municipal tax or assessment based thereon; PROVIDED, HOWEVER, the assessment ~~shall~~ must specify the last record owner or owners thereof as the same ~~shall~~ appear from the records in the Office of the Recorder of Deeds in and for Kent County. The Board of Assessment shall also make a personal assessment of all ~~male and female~~ citizens of the Town of Houston above the age of ~~eighteen (18)~~ 18 years, whether an owner of real estate or not, ~~said~~ the personal assessment ~~shall~~ must be determined by the Town Council and certified to the Board of Assessment. ~~Said~~ The personal assessment or per capita tax ~~shall be~~ is in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever.

(a) (b) The Board of ~~Assessment~~ Assessment, after making ~~such~~ the annual assessment, shall, at least ~~ninety (90)~~ 90 days prior to the end of the fiscal year, deliver to the Town Council ~~of the Town of Houston~~ a list containing the names of all persons assessed and the amount of assessment against each. ~~They~~ The Board of Assessment shall also deliver at such time as many copies of ~~said~~ the list as the Town Council shall direct.

(b) (c) The annual assessment ~~shall~~ must distinguish the real and personal assessment of each person and ~~shall~~ also must be arranged so that the land, the improvements thereon, and the per capita assessment ~~shall~~ appear in separate columns or spaces. In making this assessment, the Board of Assessment shall make its valuation accordingly.

(c) (d) The real property of the several members of the Board of Assessment ~~shall~~ must be assessed by the Town ~~Council of the Town of Houston~~ Council.

(d) (e) Immediately upon receiving the annual assessment list from the Board of Assessment, the Town Council ~~of the Town of Houston~~ shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be ~~hung~~ posted in a public place in the Town of Houston, and there it ~~shall~~ must remain for a period of at least ~~ten (10)~~ 10 days for the information of and examination by all concerned. Appended thereto and also in public places in ~~said~~ the Town ~~shall of Houston~~ must be posted notices advertising to all concerned that, upon a certain day mentioned therein and not earlier than ~~ten (10)~~ 10 days after the date of posting of the true and correct copy of the

annual assessment list and notices that, at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place ~~they~~ the Town Council shall hear appeals from the ~~said~~ annual assessment. The decision of the Town Council sitting as the Board of Appeals ~~shall be final and conclusive, is final,~~ and ~~said the~~ Town Council shall revise and complete ~~said the~~ assessment at this sitting. ~~No A~~ member of the Town Council ~~shall~~ may not sit upon ~~his~~ the Town Councilmember's own appeal, but the same ~~shall~~ may be heard and determined by the other ~~councilmen.~~ Town Councilmembers.

~~(e)~~ (f) All the members of the Board of Assessment ~~shall~~ must be present on the day fixed for hearing appeals and shall furnish to the Town Council such information and answer such questions as the Town Council may require in respect to any assessment for which an appeal has been taken. The Town Council ~~shall have~~ has the authority to enforce the attendance of the Board of Assessment by appropriate process.

~~(f)~~ (g) In lieu of a Board of Assessment, the Town Council may, by majority vote, accept the tax listing of the Kent County Board of ~~Assessment,~~ Assessment and Receiver of Taxes.

~~(g)~~ (h) It will be the responsibility of the Mayor to present at the regular May Meeting of the Town Council, the above current tax assessment from the records of the Kent County Board of Assessment and Receiver of Taxes.

Levy Of Annual Taxes

Section 27.

(a) At the last regular meeting in the fiscal year, after having received a revised and completed the assessment, assessment from Kent County, the Town Council shall determine, in its best ~~judgement~~ judgment and knowledge, the total amount necessary to be raised by the Town of Houston to meet the fixed and anticipated expenses and obligations of the ~~Town,~~ Town of Houston, including reasonable and appropriate reserves for the then current fiscal year as set forth in the Town ~~budget~~ Budget for such ~~year~~ year, plus a reasonable amount to cover unanticipated expenses and emergencies.

(b) The Town Council should then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the Town of Houston the amount ~~so determined by them shall~~ the Town Council must 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. ~~They~~ The Town Council shall then proceed to determine, assess, fix, and/or levy as follows:

(1) The rate of tax on real estate including improvements thereon ~~per One Hundred Dollars (\$100.00)~~ \$100.00 of the assessed value; and/or

(2) The amount of personal or per capita tax upon each citizen of the Town ~~over the age of eighteen (18) years; of Houston who is 18 years old or older;~~ and/or

(3) The rate of tax upon all poles, construction, erections, ~~wires~~ wires, and appliances more particularly mentioned, or intended so to be in Section 30 of this ~~Charter as~~ Charter, as amended; and/or

(4) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, trash collection service, and front footage assessment; and/or

(5) The fees or rates to be charged in respect to any other authorized source of revenue sufficient in ~~their judgement~~ the Town Council's judgment and estimation to realize the amount to be raised from each such source determined by ~~them to~~ the Town Council to be used as aforesaid; PROVIDED, HOWEVER, that sources (4) and (5) aforementioned may be determined, fixed, assessed, ~~levied~~ levied, and/or altered or changed upon other than a fiscal year basis and that any regular or special meeting of the Town Council as the Town Council, in its own proper discretion, shall determine.

(c) Immediately after the last regular meeting prior to the end of the each fiscal year ~~of each and every~~ year, the Town Council shall make, or cause to be made, a full, ~~true~~ true, and correct ~~Annual Tax List~~ list showing the amount of tax levied against each taxable thereon from sources (1), ~~(2)~~ (2), and (3) abovementioned. This list ~~shall be~~ is known as the Annual Tax List of the Town of Houston. In addition to the information contained in the assessment list, it ~~shall~~ must also contain information as to the rate of tax upon real estate for each ~~One Hundred Dollars (\$100.00)~~ \$100.00 of assessed valuation thereof.

(d) The Town Council shall cause to be delivered to the Town Tax Collector a duplicate of ~~said~~ the Annual Tax List and the Town Tax Collector shall ~~proceed to~~ collect the same as hereinafter provided.

(e) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee, ~~assessment~~ assessment, or other charge lawfully levied, ~~assessed~~ assessed, or due the Town of Houston under existing laws in reference to ~~said~~ the Town of Houston and the same are hereby declared to be valid, ~~binding~~ binding, and vested in the Town of Houston created hereby.

(f) ~~In the event that~~ If any tax rate need be changed from the prior years, the Town Council shall hold ~~two~~ (2) public hearings, ~~(excluding regular meetings)~~ concerning the changing of any tax rates. ~~Said~~ The public hearings must be posted ~~ten (10)~~ 14 days prior, in ~~four (4)~~ 4 public places and in ~~one (1)~~ 1 newspaper having general circulation

in the ~~Town~~. A Town of Houston. Any tax rate changes must be approved by a majority vote ~~shall be taken by the~~
council at two (2) regular Council meetings prior to the tax rate changes. of the Town Council.

Collection Of Annual Taxes

Section 28.

(a) The Town Tax Collector, as soon as the Town Council ~~shall have~~ has placed in his the Town Tax
Collector's hands a duplicate Annual Tax List, shall proceed on or before July 1, of the year to collect the taxes on
~~said the~~ duplicate list.

(b) All taxes so laid or imposed by the Town of Houston in the ~~such~~ Annual Tax List ~~shall be and constitute~~
is a lien upon all the real estate of the taxable for a period of ~~ten (10)~~ 10 years against or upon whom ~~such the~~ taxes
are laid or imposed, of which ~~such the~~ taxable was seized or possessed at any time after such taxes ~~shall~~ have been
levied and imposed that is situate within the Town of Houston. Such lien ~~shall have~~ has preference and priority to all
other liens on such real estate, as aforesaid, created or suffered by the ~~said~~ taxable, although ~~such the other~~ lien or
liens be of a time and date prior to the time of the attaching of ~~such the~~ lien for taxes.

(c) All taxes, when and as collected by the Town Tax Collector, ~~shall~~ must be paid to the Town of Houston,
and all taxes ~~shall be~~ are due and payable at and from the time of the delivery of the Annual Tax List to the Town Tax
Collector.

(d) In the collection of ~~said~~ taxes, there ~~shall be~~ is an abatement of ~~three percent (3%)~~ 3% on any taxes paid
on or after ~~the first day of July 1~~ and prior to ~~the last day of August~~. August 31. On all taxes paid after October 1st 1
there ~~shall be~~ is an additional sum of ~~one and one half percent (1 1/2%)~~ 1 1/2% interest per month as a penalty for
each month or fraction ~~thereof such~~ of a month that the taxes ~~shall remain unpaid and said unpaid~~. The penalty shall
be collected in the same manner as the original amount of the tax. The ~~town~~ Town Council ~~shall have the power to~~
may make just allowances for delinquencies in the collection of taxes. All taxes unpaid after ~~the 1st of October~~ shall
be October 1 are considered delinquent. In effecting a collection of any delinquent ~~tax~~ tax, the Town Council may
impose a collection charge not to exceed ~~eighteen percent (18%)~~ 18% of the amount of the tax and any interest or
penalty imposed thereon.

(e) The Town Council may, by ordinance, establish a tax exemption for any ~~town~~ Town of Houston resident
~~who has reached the age of sixty-five (65)~~ who is 65 years old or older and who has applied to ~~the county~~ Kent County

for a tax exemption which will exempt ~~said the~~ resident from ~~town~~ Town of Houston property tax for assessments up to \$4,000.00.

(f) When any tax has become delinquent, the Town Council may direct the Mayor, ~~treasurer, tax collector,~~ the Treasurer, the Town Tax Collector, or other ~~council Member~~ Town Councilmember to, in the name of the Town of Houston, institute suit before ~~any a~~ a Justice of the Peace, or in the ~~court~~ Court of Common Pleas of the State of Delaware, or in the Superior Court of the State of Delaware, for the recovery of the ~~unpaid delinquent~~ tax in an action of debt, and upon ~~judgment obtained,~~ obtaining a judgment, may sue out writs of execution as in other judgments recovered before a Justice of the Peace, or in the Court of Common Pleas, or in the Superior Court as the case may be.

(g) However, should the Town Tax Collector so elect, ~~he is empowered to~~ the Town Tax Collector may sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure:

(1) The Town Tax Collector shall present, in the name of the Town of Houston, to the Superior Court of the State of Delaware, in and for Kent County, a petition ~~in which shall be stated:~~ that must be signed by the Town Tax Collector and verified before a Notary Public. The petition must state:

(A) a. The name of the taxable;

(B) b. The year ~~for~~ in which the tax was levied;

(C) c. The total amount due;

(D) d. The total amount due;

(E) e. The date from which interest and the penalty for nonpayment ~~shall commence~~ commenced and the rate of such interest and penalty and any collection charge permitted;

(F) f. A reasonable, precise description of the lands and tenements proposed to be sold;

(G) g. A statement that the bill of ~~said the~~ tax has been mailed to the ~~taxable~~ property owner at his the property owner's last known post office address address, by certified mail with return receipt requested ~~by certified mail~~ and postage prepaid;

(H) h. That it has been found impractical to attempt to collect the ~~said~~ tax by any other remedy hereinbefore provided. ~~The petition shall be signed by the Town Tax Collector and shall be verified before a Notary Public. provided under this Charter.~~

(2) At least ~~ten (10)~~ 10 days prior to the filing of any such petition as described herein, the Town Tax Collector shall deposit in the mail, in a sealed and stamped envelope and addressed to the taxable at ~~his~~ the taxable's last known ~~address requiring a registered receipt returnable,~~ address, return receipt requested, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that ~~he~~ the Town Tax Collector shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Town Tax Collector shall exhibit the return ~~registry~~ receipt to the Superior Court by filing the ~~same~~ return receipt with the petition; PROVIDED, HOWEVER, that if the taxpayer cannot be found, it ~~shall be~~ is sufficient for the Town Tax Collector to file with ~~said~~ the petition the evidence that ~~such~~ the statement has been mailed in accordance with this Subsection and has been returned.

(3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Kent County, and shall endorse upon the ~~said~~ record of ~~said~~ the petition the following: "This petition, filed the day of , A.D. , and the Town Tax Collector ~~of the Town of Houston~~ is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due." This endorsement ~~shall~~ must be signed by the Prothonotary.

(4) Any sales of lands and tenements of a delinquent taxpayer ~~shall~~ must be advertised in public places in the Town of Houston and by ~~printing the~~ publishing notice of ~~said~~ the sale at least ~~one (1)~~ 1 time in a newspaper of general circulation in the ~~Town.~~ Town of Houston. The notice ~~shall~~ must contain the day, hour, place of ~~sale~~ sale, and a short description of the premises sufficient to identify the same. The handbills ~~shall~~ must be posted at least ~~ten (10)~~ 10 days before the day fixed for the sale and the newspaper advertisement ~~shall~~ must be published at least ~~one (1)~~ 1 week before the day of the sale.

(5) Each sale of lands and tenements ~~shall~~ must be returned to the Superior Court of the State of Delaware, in and for Kent County, at the next term thereof following the sale, and the ~~court~~ Superior Court shall inquire into the circumstances and either approve or set aside the sale. If the sale ~~be~~ is approved, the Town Tax Collector making the sale shall make a deed to the purchaser which ~~shall convey~~ conveys the right, ~~title~~ title, and interest of the delinquent taxpayer or ~~his~~ the taxpayer's alienee; if the sale ~~be~~ is set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, ~~return~~ return, and deed ~~shall be~~ are presumptive evidence of the regularity of the proceeding.

(6) ~~No~~ A sale ~~shall~~ may not be approved by the Superior Court if the owner ~~be~~ is ready at court to pay the taxes, penalty, collection fees ~~fees~~, and cost; ~~no~~ cost. A deed shall may not be made prepared until the expiration of ~~one~~ (1) 1 year from the date of the sale ~~sale~~, within which time the owner, ~~his~~ the owner's heirs, executors, or assigns, ~~shall have the power to~~ may redeem the lands ~~on payment by paying~~ to the purchaser, his or the purchaser's personal representatives or assigns, the costs, the amount of the purchase price, ~~and twenty percent~~ (20%) 20% interest ~~thereon~~ thereon, and the expense of having the deed prepared.

(7) After satisfying the tax due and the costs ~~of expense~~ of sale from the proceeds of sale, the amount remaining ~~shall~~ must be paid to the owner of the land, upon the refusal of the ~~said~~ owner to accept ~~said~~ the residue, or if the owner is unknown or cannot be found, the amount remaining ~~shall~~ must be deposited in ~~some~~ a bank ~~in~~ used by the Town of Houston in the Town of Houston's banking either to the credit of the owner or in a manner in which the ~~fund~~ account may be identified.

(8) In the sale of lands for the payment of delinquent taxes, ~~the following costs shall be allowed to~~ any fees, costs, and expenses, including attorney's fees, court costs, sheriff fees, and filing fees, may be deducted from the proceeds of the sale or chargeable against the owners, as the case may ~~be~~ be.

(A) ~~To the Prothonotary for filing and recording the petition, One Dollar (\$1.00);~~

(B) ~~For filing and recording the return of sale, One Dollar and Fifty Cents (\$1.50);~~

(C) ~~To the Town Tax Collector for preparing the Certificate, Twenty Five Cents (\$.25), for making the sale of lands, Two Dollars (\$2.00), for preparing and filing a return, One Dollar and Fifty Cents (\$1.50), for posting sale bills, One Dollar (\$1.00). In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, by shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.~~

(9) If the owner of any lands and tenements against which a tax ~~shall be~~ is levied and assessed ~~shall be~~ is unknown, this fact ~~shall~~ must be stated in the advertisement of the sale.

(10) If any person is assessed for several parcels of land and tenements in the same assessment in the Town of Houston, the total of ~~said~~ the taxes may be collected from the sale of any part or portion of ~~said~~ the lands and tenements, provided that the land alienated by the delinquent taxpayer ~~shall~~ may not be sold until other property of the taxpayer ~~shall have~~ has been disposed of and there still remains a delinquency.

(11) In the event of death, ~~resignation~~ resignation, or removal from office of the Town Tax Collector of ~~the Town of Houston~~ before the proceedings for the sale of lands ~~shall have~~ has been completed, ~~his~~ the Town Tax Collector's successor in office shall succeed to all of ~~his~~ the Town Tax Collector's powers, ~~rights~~ rights, and duties in respect to ~~said~~ the sale. In the event of the death of the purchaser of ~~said~~ the sale prior to ~~his~~ the purchaser receiving a deed for the ~~property purchased thereat~~, property, the person having right under ~~him~~ the purchaser by consent, devise, assignment, or otherwise, may ~~refer to~~ file with the Superior Court of the State of Delaware, in and for Kent County, a petition representing the facts and praying for an order authorizing and requiring the Town Tax Collector to execute and acknowledge a deed conveying to the petitioner the ~~premises so sold~~ property or a just portion thereof; and thereupon the ~~court~~ Superior Court may make such order touching the conveyance of the premises ~~as shall be~~ according to justice and equity.

(12) The Town Tax Collector ~~shall have the right to~~ has the same authority to require the ~~aid or~~ assistance of any person or persons in the performance of ~~his~~ the Town Tax Collector's duty of sale which the Sheriff of Kent County now has by law or may hereafter have.

Town Budget

Section 29.

(a) The fiscal year for the Town of Houston ~~shall be~~ is as determined by Resolution of the Town Council.

(b) ~~Annually each~~ Each year at the regular May Meeting of the Town Council, the Mayor shall present a rough draft of the Town Budget for consideration by the ~~Council members~~. Town Councilmembers. From this rough draft, the Town Council shall, at the regular June meeting, by majority vote, adopt a final Town Budget for the ensuing fiscal year, containing the financial plan for conducting the affairs of the Town of Houston for the ensuing fiscal year.

(c) The ~~budget shall~~ Town Budget must contain the following information:

(1) A detailed estimate showing the expense of conducting each department and office of the Town of Houston 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~~, Town of Houston, together with the schedule of maturities of Bond issues;

(4) An itemized statement of all other estimated expenses to be incurred in the affairs of the ~~Town~~ Town of Houston for the ensuing fiscal year;

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

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

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

(e) The ~~budget shall~~ Town Budget must be posted in ~~four~~ (4) 2 public places in the Town of Houston and on the Town of Houston's website within ~~one~~ 1 week following its adoption, and ~~shall~~ must be available for any resident and/or taxpayer.

Enumeration Of Powers

Section 30.

(a) Not by way of limitation upon the power vested in the Town Council ~~of the Town of Houston~~ to exercise all powers delegated by this Charter to the ~~municipal corporation~~ Town of Houston or to the Town Council 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 the Town Council in the interest of good government and the safety, health, and public welfare of the ~~Town~~, Town of Houston, its ~~inhabitants~~ inhabitants, and affairs, that is to say:

- (1) To prevent vice, ~~drunkenness~~ drunkenness, and immorality;
- (2) To provide for and preserve the health, peace, safety, cleanliness, ornament, good ~~order~~ order, and public welfare of the Town of Houston and its inhabitants;
- (3) To prohibit all gaming and fraudulent devices;
- (4) To prohibit, restrain, ~~license~~ license, or regulate all public sports, exhibitions, shows, parades, productions, ~~circuses~~ circuses, or other public performances, ~~amusements~~ amusements, and games;
- (5) 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~~ repair, or replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the ~~Town~~; Town of Houston; so specify the grade thereof, the materials to be used in the doing ~~thereof~~ thereof, and the manner in which the same ~~shall be~~ is done; to enter into contacts or agreements for the doing thereof, including contracts or agreements with the State of Delaware for the permanent maintenance, ~~repair~~ repair, and upkeep of any street, lane, alley, ~~roadway~~ roadway, or other public thoroughfare within the ~~Town~~; Town of Houston;

(6) ~~To regulate or control the observance of the Sabbath Day;~~

(7) (6) To establish and regulate pounds and to restrain, ~~prohibit~~ prohibit, and impound any domestic or wild animal, beast, ~~bird~~ bird, or fowl running at large, and to authorize the ~~destruction~~ relocation, rehousing, removal, or disposal of the same;

(8) (7) To locate, regulate, license, ~~restrain~~ restrain, or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer and manure plants or establishments, swine pens, privies, water closets in any businesses or ~~building~~ building, or conditions detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature;

(9) (8) To enforce the removal of ice, ~~snow~~ snow, or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners;

(10) (9) To prohibit, ~~remove~~ remove, or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, ~~post~~ post, or any other erection or projection in, over, ~~upon~~ upon, or under any street, highway, alley, lane, water course, park, lake, strand, ~~sidewalks~~, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline of the ~~Town~~; Town of Houston;

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

(12) (11) To provide an ample supply of pure water for the Town of Houston and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, ~~control~~ control, and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire ~~hydrants~~ hydrants, and all other equipment, ~~property~~ property, or rights used in or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the

water furnished by the Town of Houston may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby ~~such the~~ amounts ~~shall are to be collected~~ collected, and the fines or penalties, or both, for any ~~wilful~~ willful or negligent ~~injury, injury~~ or damage ~~to to~~, or interference ~~with with~~, the water system or the equipment, ~~property property~~, or rights of the ~~Town; Town of Houston;~~ to furnish or refuse to furnish water from the Town of Houston system to places and properties outside the Town of Houston limits; and to contract for and purchase water and distribute the same to users within or without the Town of Houston with the same full powers as though such water had been initially reduced to usefulness by the ~~municipality itself. Town of Houston~~ itself;

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

(14) (13) To provide, construct, extend, maintain, ~~manage manage~~, and control the plant and system, or plants and systems, for the generating, ~~manufacturing manufacturing~~, and distributing of electric current or gas, or both, to the inhabitants of the Town of Houston and for lighting the streets, highways, lanes, alleys, water courses, parks, lake, strands, sidewalks, crosswalks, wharfs, docks, public ~~buildings buildings~~, or other public places in the ~~Town; Town of Houston;~~ and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, ~~control control~~, and dispose of transmission and distribution lines, pipes, ~~mains mains~~, and other conveyances for any such electric current or gas as may be necessarily proper to light the ~~Town; Town of Houston;~~ and to furnish proper connections for electric current and gas to the properties of the inhabitants of

the Town of Houston who may desire the same; to regulate and prescribe for what private or public purpose the electric current or gas furnished by the Town of Houston may be used, the manner of its use, the amount to be paid by the users thereof, the means whereby such amounts are to be ~~collected~~ collected, and the fines or penalties, or both, for any ~~wilful~~ willful or negligent injury or damage ~~to~~ to, or interference ~~with~~ with, the electric or gas system or systems of the ~~Town~~; Town of Houston; to furnish or refuse to furnish electric current or gas from the ~~Town's~~ Town of Houston's system or ~~systems~~, systems to places and properties outside the Town of Houston limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town of Houston with the same full powers as though ~~such~~ the electric current or gas had been initially reduced to usefulness by the ~~Town itself~~; of Houston itself;

(15) (14) To fully control within the Town of Houston the drainage of all water and to that end to alter or change the course and direction of any natural water course, ~~runs~~ runs, or rivulet within the ~~Town~~; Town of Houston; to regulate, maintain, clean and keep the same open, clean and ~~unobstructed~~, unobstructed; and to provide, construct, ~~extend~~ extend, and maintain, ~~manage~~ manage, and control a surface water drainage system and facilities for the health, ~~sanitation~~ sanitation, and convenience of the inhabitants of the ~~Town~~; Town of Houston;

(16) (15) To provide, construct, extend, maintain, ~~manage~~ manage, and control jetties, bulkheads, embankments, flood gates, piers, or fills for the preservation of any strand or high land within the limits of the Town of Houston and contiguous thereto to the end that the same may be preserved, ~~and the property protected~~ that the general public might enjoy the use ~~thereof~~; thereof;

(17) (16) To grant franchises or licenses to any responsible person, firm, ~~association~~ association, or corporation for such period of time, upon such terms, restrictions, ~~stipulations~~ stipulations, and conditions and for such considerations as the Town Council ~~shall deem~~ deems in the best interest of the ~~municipality~~, Town of Houston, to use the present and future streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, ~~docks~~ docks, and other public places of the Town of Houston for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, television, railroad excepting railroads or railways engaged in Interstate Commerce, bus, ~~taxi~~ taxi, or other transportation, ~~carrier~~ carrier, or public service to the ~~Town~~; Town of Houston unto the persons, firms, or corporation residing or located therein and for the purpose of transmitting the same from or through the Town of Houston to points

outside the limits thereof, and for the purpose of erecting wharfs and piers and for the purpose of vending any article or merchandise upon or from any vehicle upon any present and future street, highway, lane, alley, etc.; ~~provided that no~~ but an exclusive franchise or license ~~shall may not~~ be granted for any such purpose to any person, firm, ~~association~~ association, or corporation whomsoever;

~~(18)~~ (17) To regulate and control the exercise of any license or franchise mentioned in ~~Section 30 of this Charter, this Section,~~ or intended so to be;

~~(19)~~ (18) To direct, ~~regulate~~ regulate, and control the planning, rearing, ~~treatment~~ treatment, and preserving of ornamental shade trees in the streets, avenues, highways, ~~parks~~ parks, and grounds of the Town of Houston and to authorize or prohibit the removal or destruction of ~~said the~~ trees;

~~(20)~~ (19) To direct the digging down, draining, filling up, cleaning, ~~cutting~~ cutting, or fencing of lots, tracts, pieces or parcels of ground in the Town of Houston which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter;

~~(21)~~ (20) To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues;

~~(22)~~ (21) To regulate, ~~control~~ control, or prevent the use or storage of gun powder, fireworks, tar, pitch, resin, and all other combustible materials and the use of candles, lamps, and other lights in stores, shops, ~~stables~~ stables, and other places; to suppress, ~~remove~~ remove, or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires;

~~(23)~~ (22) For the prevention of fire and the preservation of the beauty of the Town, Town of Houston, 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; to zone or district the Town of Houston and make particular provisions for particular zones or districts with regard to building or building material; and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns ~~under any~~ by virtue of ~~22 Del. Laws, c. 3, of 1974, and all amendments heretofore or hereafter adopted;~~ 22 Del. C. § 301 et seq.;

~~(24)~~ (23) To acquire, build, ~~erect~~ erect, and maintain a suitable place as a lock-up or jail for the Town of Houston which ~~shall~~ is to be used as a place of detention for persons convicted of violation of law or ordinance, or for detention of persons accused of violation of law or ordinances for a reasonable time in cases of necessity

prior to hearing and trial; and to provide for the ~~restraint, support~~ restraint, support, and employment of paupers, beggars, and vagrants; provided that any correctional institution located in Kent County may be used for any such purpose;

(25) ~~(24)~~ To acquire, build, ~~ereet~~ erect, and maintain buildings and facilities necessary or required for housing and equipping the offices of the ~~Town~~; Town of Houston;

(26) ~~(25)~~ To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which may cause bodily ~~injury~~ injury, or injury or harm to property; and to regulate or prevent the use of fireworks, ~~bombs~~ bombs, and detonating works of all kinds;

(27) ~~(26)~~ To provide for the punishment of a violation of any ordinance of the Town of Houston by fine or imprisonment, or both, not exceeding ~~Five Hundred Dollars (\$500.00)~~ or ~~sixty (60)~~ \$2,500.00 or 60 days, or both;

(28) ~~(27)~~ To provide for the organization of a fire department and the control and government thereof; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Town Council to contribute, ~~donate~~ donate, or give an amount unto any volunteer fire company ~~or companies~~ incorporated under the laws of the State of Delaware, or any volunteer fire association ~~or associations~~ maintaining and operating fire fighting equipment and service to the ~~Town~~; Town of Houston; provided that any such contribution, ~~donation~~ donation, or gift may be made subject to such conditions and stipulations as to the use thereof as the Town Council ~~shall deem~~ deems advisable;

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

(30) ~~(29)~~ To levy and collect taxes for ~~any and~~ all municipal purposes upon all real estate and improvements located thereon; ~~PROVIDED, HOWEVER, that the amount to be raised from this course shall not exceed in any one year the sum of Five Hundred Thousand Dollars (\$500,000.00); and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether hereinbefore or hereafter incurred;~~

(31) (30) To levy and collect a personal or per capita tax upon all ~~persons resident within the corporate limits-residents~~ of the Town of Houston to be used for ~~any and~~ all municipal purposes;

(32) (31) To levy and collect taxes upon all telephone, ~~telegraph~~, cable, fiber optic, power poles, pipelines, rail lines, or other constructions or erections of a like character, erected within the limits of the ~~Town, Town of Houston~~, together with the wire or other appliances thereto or thereon attached; expressly excepting all telephone, ~~telegraph~~, cable, fiber optic, power lines or ~~poles poles~~, and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all ~~purposes~~ purposes; and to this end may at any time direct the same to be included in or added to the Town of Houston assessment. In case the owner or lessee of such construction or erections, ~~wires wires~~, or other appliances ~~shall refuse or neglect~~ refuses or neglects to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 27 of this Charter, the Town Council ~~shall have~~ has the authority to cause the same to be removed;

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

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

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

(36) (35) To borrow money in the name of the Town of Houston for any proper municipal purpose ~~and and~~, in order to secure the payment of the ~~same same~~, to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and credit of the Town of Houston, 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~~ of Houston ~~is~~ exempt from all state, county or municipal taxes; PROVIDED, HOWEVER, that in no event ~~shall~~ may the indebtedness of the Town of Houston for any and all purposes at any ~~one~~ 1 time exceed in the aggregate ~~twenty-five percent (25%)~~ 25% of the assessed value of all real estate in the Town of Houston subject to the assessment for the purpose of levying the annual tax hereinbefore mentioned;

~~(37)~~ (36) To acquire, and/or to vacate the use of lands, tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the ~~Town,~~ Town of Houston, by way of condemnation and eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, ~~exercise~~ exercise, or fulfill any power conferred upon or delegated to the Town of Houston by this Charter. Proceedings by way of condemnation in any case ~~shall be~~ are as prescribed in ~~10 Del. Laws, c. 61, of 1974, as heretofore or hereafter amended;~~ 10 Del. C. § 6101 et seq.;

~~(38)~~ (37) To appropriate money to pay the debts, ~~liabilities~~ liabilities, and expenditures of the ~~Town,~~ Town of Houston, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from ~~one~~ 1 fund to another fund of the Town of Houston in case of emergency;

~~(39)~~ (38) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due to the Town of Houston by the performance of labor or service for the Town of Houston by any person owing the same;

~~(40)~~ (39) To inquire into and investigate the conduct of any officer, ~~agent~~ agent, or employee of the Town of Houston or any municipal affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and the production of books, papers, or other evidence by subpoena;

~~(41)~~ (40) To establish by Ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town of Houston under such terms and conditions as the Town Council, in its discretion, may deem most appropriate; PROVIDED, HOWEVER, that any annual appropriation which is made by the Town Council under any such Pension Plan or any Health and Welfare Plan, or both, ~~shall~~ may not exceed a maximum of ~~fifteen percent (15%)~~ 15% of the total annual payroll of the ~~Town;~~ Town of Houston; and provided further, that the method of funding may, if deemed desirable by the Town

Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council;

(42) (41) To borrow money in anticipation of revenues on the full faith and credit of the Town of Houston sum or sums not exceeding ~~One Hundred Thousand Dollars (\$100,000.00)~~ \$500,000.00 in any ~~one~~ 1 year when, in the opinion of a majority of the Town ~~Council of the Town of Houston,~~ Council, the needs of the Town of Houston require it. Any sum so borrowed ~~shall~~ must be secured by promissory notes of the Town of Houston, duly authorized by Resolution adopted by the Town ~~Council of the Town of Houston, and~~ Council, signed by the ~~Mayor of the Town of Houston,~~ Mayor, and attested by the Secretary of the Town Council with the Town of Houston corporate seal affixed, and no officer or member of the Town Council ~~shall be~~ is liable for the payments of such notes because it is signed by ~~them~~ the officer or Town Councilmember as officers of the Town of Houston and is authorized by the resolution of the Town Council; PROVIDED, HOWEVER, that the total sum outstanding at any one time ~~shall~~ may not exceed ~~One Hundred Thousand Dollars (\$100,000.00);~~ \$500,000.00; and provided further, that any sum of money so borrowed, as aforesaid, in any fiscal year ~~shall~~ must be paid to the general fund of the Town of Houston and ~~shall~~ can be completely repaid at any time, but must be completely paid at the end of ~~ten~~ (10) 20 fiscal years following the first fiscal year when ~~said~~ the sum or sums were borrowed with interest thereon; and provided that ~~such~~ ad valorem taxes ~~shall~~ may be levied as is necessary to pay the principal or the interest on ~~said~~ the bonds as is required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon ~~shall be~~ are exempt from all taxation by the State of Delaware or by any political subdivision, ~~agency~~ agency, or subdivision thereof;

(43) (42) To make, ~~adopt~~ adopt, and establish all such Ordinances, Regulations, Rules, and By-Laws not contrary to the laws of this ~~state~~ State and the United States of America as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the ~~Town,~~ Town of Houston, the protection and preservation of persons and property, and of the public health and welfare of the Town of Houston and its inhabitants; PROVIDED, HOWEVER, that any Ordinance relating to the public health of the Town of Houston and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same ~~shall apply~~ applies not only within the corporate

limits of the Town of Houston but as well to all areas and persons outside the Town of Houston within ~~one (1)~~ 1 mile from ~~said~~ the limits.

Streets

Section 31.

(a) The Town Council ~~shall have~~ has the power and authority to lay out, ~~locate~~ locate, and open new ~~Streets~~ streets, or to widen and alter existing streets or parts ~~thereof~~ thereof, and to vacate or abandon streets or parts thereof, whenever Town Council shall deem it for the best interest of the ~~Town~~ Town of Houston.

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

(1) Whenever ~~five (5)~~ 5 or more property owners in a portion of the Town of Houston directly affected or abutting on the proposed street to be opened, layed out, changed, altered, widened, ~~vacated or closed~~ or vacated or abandoned shall by written petition, with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter any existing ~~street~~ street, or any part ~~thereof~~ thereof, or to vacate or abandon a street or any part thereof, the Mayor ~~of the Town of Houston~~ shall appoint a committee composed of not less than ~~three (3)~~ 3 of the elected members of the Town Council to investigate the possibility of changing the structure of ~~said~~ the streets in the ~~Town~~ Town of Houston. The petition presented to the Town Council by the property owners ~~shall~~ must include a description of the property through which the proposed street ~~shall is to be layed out~~ laid out, or description of the street on which any of the other actions heretofore described ~~shall is to~~ take place and the reasons why the change in the structure of the streets of the Town of Houston should be undertaken; 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)~~ 3 of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the ~~Town~~ Town of Houston;

(2) Not later than ~~ninety (90)~~ 90 days following its appointment, the committee shall submit a report concerning its findings to the Mayor and to the Town Council. The report ~~shall~~ must contain the advantages and disadvantages to the Town caused by the changes of the street structure and shall contain the conclusion of ~~said~~ the committee either recommending or disapproving the change of ~~said~~ the street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of the Town of Houston, the ~~Council~~ Town Council, by ~~resolution~~ resolution passed by a majority of the elected members of the Town Council concurring therein, shall propose to the property owners and citizens of the Town of Houston that the

Town Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the ~~Town~~. Town of Houston. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of the Town of Houston, the resolution proposing the change in the street structure to the property owners and citizens of the Town of Houston ~~shall~~ must be passed by a majority of ~~three-fourths (3/4ths)~~ 3/4 affirmative vote of the elected members of the Town Council. The resolution ~~shall~~ must contain a description of the proposed change and ~~shall~~ must affix a time and place for a public hearing on the matter of changing the street structure. The resolution adopted by the Town Council ~~shall be printed~~ must be published in a newspaper having a general circulation in the Town of Houston or, in the discretion of the Town Council, the resolution ~~shall~~ must be posted in public places in the Town for at least ~~one (1)~~ 1 week before the time set for the public hearing. The notice ~~shall~~ must be published ~~it~~ at least one (1) 1 week prior to the date set for the public hearing. The resolution ~~shall~~ must also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the ~~Town~~. Town of Houston.

(3) Whenever the Town Council ~~shall have~~ has determined to locate or lay out or widen any street, ~~lane~~ lane, or alley, and ~~shall have~~ has affixed compensation therefor, it ~~shall be~~ is the duty of the Town Council immediately after the survey and location of ~~said the~~ the street, ~~lane lane~~ lane, or alley, to notify, by certified mail with return receipt requested and postage prepaid, the owner or owners of the real estate, through or over whom such street, ~~lane lane~~ lane, or alley may run, of ~~their the~~ the Town Council's determination to open or widen the same and to furnish a general description or location thereof; also the amount of compensation or damages allowed to each ~~such~~ property owner; if such owner ~~be~~ is not a resident of the ~~Town~~, Town of Houston, to notify the holder or tenant of ~~said the~~ the real estate and the owner of ~~such the~~ the property if ~~his the~~ the property owner's address ~~be~~ is known; if there ~~be~~ is no holder or tenant resident in ~~said Town~~, the Town of Houston, and the address of the owner ~~be~~ is unknown, or if there is a holder or tenant and the address of the owner is unknown, the ~~said~~ notice may be affixed to any part of the premises. If the owner ~~be~~ is dissatisfied with the amount of compensation or damages allowed by the Town of Houston as aforesaid ~~said property owner may, within ten (10) days after such notice as aforesaid~~ was posted or mailed, appeal from written notice of assessment or compensation or damages allowed by the Town as aforesaid; said aforesaid, the property owner may, within ~~ten (10)~~ 10 days after ~~such notice as aforesaid~~ was

posted or mailed, appeal from written notice of assessment or compensation or damages by serving written notice, by certified mail with return receipt requested and postage prepaid, on the Mayor of the Town to the effect stating that ~~he or she~~ the property owner is dissatisfied with the amount of ~~such~~ the assessed compensation or damages, and that it is ~~his or her~~ the property owner's intention to make written application to ~~one~~ 1 of the Judges of the Superior Court of the State of Delaware, in and for Kent County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute ~~said~~ the appeal, ~~such~~ the owner shall, within ~~fifteen (15)~~ 15 days after serving ~~said~~ notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of the State of Delaware, in and for Kent County, for the appointment of ~~such~~ a commission; and thereupon the ~~said~~ Judge shall issue and appoint a commission directed to ~~five (5)~~ 5 freeholders of ~~said county,~~ three (3) Kent County 3 of whom shall must be residents of the Town of Houston, and ~~two (2)~~ 2 of whom shall must be nonresidents of ~~said Town,~~ the Town of Houston, requiring them to assess the damages which the owner of the real estate through or over which the ~~said~~ street, ~~lane~~ lane, or alley shall ~~pass,~~ passes, or who shall ~~have~~ has suffered damage because of any other action taken by the Town of Houston pursuant to the provisions hereof, and who shall ~~have~~ has notified the ~~said~~ Town Council of ~~their~~ the property owner's intention to ~~appeal~~ appeal, may incur by reason thereof, and to make a return of their proceeding to the ~~said~~ Judge at the time therein appointed.

(4) The freeholders ~~named in such~~ appointed to the commission, being first duly sworn or affirmed, shall view the premises and may, or a majority of ~~them,~~ the freeholders, shall assess the damages ~~as aforesaid~~ and shall make return in writing of their proceedings to the ~~said~~ Judge who shall deliver and return to the Town Council which ~~shall be~~ is final and conclusive. The said Judge ~~shall have the power to~~ may fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within ~~thirty (30)~~ 30 days after the same ~~shall be~~ is finally ascertained; or if the person or persons so entitled reside out of or are absent from the Town of Houston during the ~~said~~ period of ~~thirty (30)~~ 30 days, then the same shall must be deposited to ~~her~~ the person's credit in the Wilmington Trust Company, ~~with offices in Milford, Kent County, Delaware,~~ bank used by the Town of Houston for the Town of Houston's banking, within ~~said time,~~ the 30-day period, and thereupon the ~~said~~ property or lands may be taken or occupied for the use as aforesaid.

(5) If the ~~ascertainment and~~ assessment of damages by the freeholders ~~appointed by the Judge as aforesaid shall be~~ is increased, the cost of the appeal ~~shall~~ must be paid by the Town of Houston out of any money in the hands of the ~~Town Manager Treasurer~~ belonging to the ~~Town; Town of Houston;~~ but if ~~said the~~ damages ~~shall~~ are not be increased, the cost of the appeal ~~shall~~ must be paid by the party appealing. The ~~said~~ freeholder members of the commission shall receive and be entitled for each day's actual service or any part of a day the sum of ~~Five Dollars (\$5.00); \$5.00.~~ After the damage ~~shall be~~ is fixed and ascertained by the freeholders, the Town Council ~~shall have~~ has the option to pay the damages assessed within the time aforesaid, and to proceed with the ~~said~~ improvements, or upon the payment of the costs only, may abandon the proposed improvements. In the event that either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted by the Supreme Court of the State of Delaware.

Curbing And Paving

Section 32.

(a) Whenever the Town Council ~~shall have~~ has determined that any sidewalks, and/or curbing ~~shall~~ is to be done, it shall cause a notice to be sent to the owner or owners along or in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it ~~shall be~~ is the duty of ~~such the~~ owner or owners to cause ~~such~~ paving of sidewalks and/or curbing to be done in conformity with ~~said the~~ notice. In the event any owner or owners neglect to comply with said notice for the space of ~~thirty (30)~~ 30 days, the said Town Council may proceed to have the same done and when done, the Town Council shall, as soon as convenient thereafter, present to the owner or owners of ~~such the~~ lands a bill showing expenses of such paving, graveling and curbing, or any of them. If ~~such the~~ owner or owners ~~be~~ is not a resident of the Town of Houston, ~~such bills shall~~ must be sent by certified mail with postage prepaid or to ~~such the~~ owner or owners directed to ~~him, her or them~~ the owner or owners at the last known address. If such bill be not paid by the owner or owners of such lands within ~~sixty (60)~~ 60 days after the presentation thereof as aforesaid, the Town Tax Collector shall proceed to collect the same in the same manner and under the same terms and conditions as are provided for the collection of delinquent taxes.

(b) Any notice sent to ~~one~~ 1 co-owner ~~shall be~~ is notice to all owners and in the case no owners ~~shall~~ reside in ~~said Town;~~ Town of Houston; notice served as set forth herein or posted upon the premises ~~shall be~~ is sufficient.

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

(d) Any street paving and/or graveling ~~shall be~~ is the responsibility of the Town of Houston to maintain.

Collection Of Charges Due The Town

Section 33.

(a) In the collection of any charges due the Town of Houston for water rentals, sewer service charges, electric bills, gas bills, trash collection fees, license fees, tapping fees, front foot assessments, charges growing out of the abatement of nuisances, laying out and repairing sidewalks, curbing, finer, property violation charges, or any of them, such charges ~~shall~~ become a first lien against all real estate of the delinquent property owners and/or taxpayers situate within the ~~Town~~, Town of Houston, and such charges ~~shall~~ have preference and priority for a period of ~~ten (10)~~ 10 years from the date the charge became due and owing to all other liens on real estate created or suffered by the taxable and property owner, although ~~such~~ the other lien or liens be of a date prior to the time for the attaching of ~~such~~ the liens for such charges.

(b) When any fees ~~and/or~~ or charges due the Town of Houston become delinquent, the Town Council may direct the Mayor, ~~treasurer, tax collector,~~ the Treasurer, the Town Tax Collector, or other ~~Council Member~~ Town Councilmember to, in the name of the Town of Houston, institute suit before ~~any~~ a Justice of the Peace, or in the Court of Common Pleas of the State of Delaware, or in the Superior Court of the State of Delaware, for the recovery of the ~~unpaid delinquent fees and/or charges, or charges in an action of debt,~~ and upon ~~a judgment obtained,~~ obtaining a judgment, may sue out writs of execution as in other judgments recovered before a Justice of the Peace, ~~or~~ or in the Court of Common Pleas, or in the Superior Court as the case may be.

Power To Borrow Money And Issue Bonds

Section 34.

(a) The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment ~~thereof~~ of debt on the faith and credit of the Town of Houston to provide funds for the erection, extension, enlargement, ~~purchase~~ purchase, or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, ~~heat~~ heat, or power purposes; for the furnishing of water to the public, for the construction, ~~repair~~ repair, and improvements of highways, ~~streets~~ streets, or ~~lane~~ lanes or the paving, ~~curbing~~ curbing, or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; or to defray the cost or the Town of

Houston's share of the Town of the costs of any permanent municipal improvements; PROVIDED, HOWEVER, that the borrowing of money therefor shall must have been authorized for the Town Council in the manner following:

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

(2) Notice of the time and place of the hearing on the resolution authorizing ~~said~~ the loan ~~shall be printed~~ must be published in a newspaper having a general circulation in the Town of Houston or distributed in circular form at least ~~one~~ 1 week before the time set for the public hearing.

(3) Following the public hearing, a second resolution ~~shall~~ must then be passed by the Town Council ordering a special election ~~to~~ be held not less than ~~thirty (30)~~ 30 days nor more than ~~sixty (60)~~ 60 days after the ~~said~~ public hearing to borrow the ~~said~~ money, ~~the said special election to be~~ for the purpose of voting for or against the proposed loan. The passing of the second resolution calling a special election ~~shall is,~~ is, ipso ~~facto~~ facto, considered the determination of the Town Council to proceed with the matter ~~in~~ at issue.

(4) The notice of the time and place of holding the ~~said~~ special election ~~shall be printed in two (2)~~ must be published in 2 issues of a newspaper having a general circulation in the Town of Houston within ~~thirty (30)~~ 30 days prior to the ~~said~~ special election, ~~or both, at the discretion of the Town Council.~~ election.

(5) At the ~~said~~ special election, every ~~citizen of~~ every property owner, whether an individual, a partnership, or a corporation, in the Town of Houston ~~shall have one vote, and in addition, every partnership or corporation owning property within the corporate limits of the Town of Houston shall also have one vote; and the said votes may be cast either in person or by proxy.~~ has 1 vote. Every citizen of the Town of Houston who is 18 years old or older and who is not a property owner has 1 vote. In the case of a property owned by more than 1 individual, partnership, or corporation, each property owner has a vote equal to the percentage of the property owner's interest in the property, but the collective vote of all property owners of the property may not exceed 1 vote. The books and records of the Town of Houston are conclusive evidence of the right of property owners and citizens to vote at the special election.

(6) The Town Council shall cause to be prepared, ~~printed~~ printed, and have available for distribution a sufficient number of ballots not less than ~~five (5)~~ 5 days prior to the ~~said~~ special election. The special election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The ~~Mayor of the Town of Houston,~~ Mayor, by and with the advice and consent of the majority of the Town ~~Council~~ Council, shall appoint ~~three (3)~~ 3 persons to act as a Board of Special Election. The polling places ~~shall~~ must be opened from ~~12:00 noon~~ noon, prevailing time, until ~~6:00 in the evening,~~ 6 p.m. prevailing time, on the date set for the special election.

(7) The Board of Special ~~Elections~~ Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Special Election shall make a certificate under ~~their~~ the Board of Special Election's Hands of the number of votes cast for and against the proposed loan and the number of void votes and shall deliver the same to the Town ~~Council~~ Council, which ~~said~~ certificates ~~shall~~ must be retained by the Town Council with the other papers of the Town Council.

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

(9) The bonds ~~shall~~ must be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be ~~described~~ prescribed by the Town Council for at least ~~one (1)~~ 1 month before offering the same for sale.

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

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

(b) The bonded indebtedness ~~shall~~ may not at any time ~~succeed~~ exceed in the aggregate the total sum of ~~twenty-five (25) percent~~ 25% of the value of real property situate within the limits of the Town of Houston shown by the last assessment preceding the creation of the ~~said~~ indebtedness.

Actions Or Suits

Section 35.

~~No~~ An action, suit or proceeding ~~shall~~ may not be brought or maintained against the Town of Houston for ~~damages, either compensatory or punitive~~ compensatory or punitive damages on account of any physical ~~injury or injuries, deaths~~ injury, death, or injury to property by reason of negligence, simple, gross, or willful or ~~wanton~~ wanton, of the ~~said~~ Town of Houston, or any of its departments, officers, agents, ~~servants~~ servants, or ~~employees~~ employees, unless the person ~~by or on behalf of whom such~~ asserting the claim or demand ~~is asserted~~, notifies, within ~~ninety (90)~~ 90 days from the happening of ~~said~~ the injury or the suffering of ~~such damages~~ shall notify damages, notifies the Town of Houston in writing of the time, place, cause, ~~character~~ character, and extent of the injury sustained or damages suffered. ~~Such~~ The notice ~~shall~~ must be ~~directed~~ sent to the Mayor ~~of the Town of Houston~~ by certified mail with return receipt requested and postage prepaid.

Compendium

Section 36.

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

Revival Of Powers And Validating Section

Section 37.

(a) All powers conferred upon or vested in the Town Council ~~of the Town of Houston~~ by any act or 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 Houston ~~and/or~~ and the Town Council ~~of the Town of Houston~~ precisely as ~~of~~ if each ~~of said powers~~ power was expressly set forth in this Charter.

(b) All ordinances adopted by the Town Council ~~of Houston~~ and in force at the time of approval, ~~acceptance~~ acceptance, and going into effect of this Charter are continued in force until the ~~same or any of them~~ shall be ordinances

~~are repealed, modified~~ modified, or altered by the Town Council ~~of the Town of Houston~~ under the provisions of this Charter.

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

(d) All taxes, assessments, license fees, penalties, fines, and forfeitures ~~due to the Town Council of Houston~~ or the Town of Houston ~~shall be~~ are due the Town of Houston Houston, and all debts from the Town of Houston or the Town Council ~~of Houston~~ ~~shall~~ remain unimpaired until paid by the Town of Houston.

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

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

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

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

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

Approved June 30, 2025