

Chapter 1  
**Administration and General**

- Article I        Adoption of the Code of the City of Delaware City
  - Section 1-1     Adoption of Code
  - Section 1-2     Continuation of Existing Provisions
  - Section 1-3     Copy of Code on File
  - Section 1-4     Amendments to Code
  - Section 1-5     Code Book to be Kept Current
  - Section 1-6     Repeal of Enactments Not Included in Code
  - Section 1-7     Enactments Saved from Repeal
  - Section 1-8     Changes in Previously Adopted Ordinances
  - Section 1-9     Incorporation of Provisions into Code
  - Sections 1-10 to 1-15 Reserved
- Article II       Swearing in of Newly Elected Officials
  - Section 1-16    Council Meeting
  - Section 1-17    Procedure During Council Meeting
  - Sections 1-18 to 1-20 Reserved
- Article III      Compensation for the Mayor and Council
  - Section 1-21    Mayor
  - Section 1-22    Council
  - Sections 1-23 to 1-25 Reserved
- Article IV       Code of Ethics for City Officials and Employees
  - Section 1-26    Definitions
  - Section 1-27    Fair and Equal Treatment
  - Section 1-28    Conflict of Interest
  - Sections 1-29 to 1-35 Reserved
- Article V        Liens
  - Section 1-36    General
  - Section 1-37    Interest on Unpaid Balances
  - Section 1-38    Enforcement

History: Article II of this chapter comes from Ordinance 6002 (adopted May 13, 1963), Article III from 6003 (adopted February 8, 1971), Article IV from 9602 (adopted June 25, 1981), and Article V was Ordinance 02-0318-01 (adopted May 1, 2002).

## **Article I Adoption of the Code of the City of Delaware City**

### **Section 1-1 Adoption of Code**

The ordinances of the City of Delaware City, County of New Castle, and State of Delaware, of a general and permanent nature, adopted by the City Council of the City of Delaware City, as revised, codified and consolidated into chapters and sections and consisting of Chapters 1 through 60, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the City of Delaware City, hereinafter known and referred to as the “Code.”

### **Section 1-2 Continuation of Existing Provisions**

The provisions of the Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of the Code by this Article, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City Council of the City of Delaware City, and it is the intention of said Council that each such provision contained within the Code is hereby reaffirmed as it appears in the Code.

### **Section 1-3 Copy of Code on File**

A copy of the Code, in loose-leaf form, has been filed in the City of Delaware City Town Hall and shall remain there for use and examination by the public until final action is taken on this Article; and, if this Article shall be adopted, such copy shall be certified to by the City Secretary of the City of Delaware City by impressing thereon the seal of the city, and such certified copy shall remain on file in the Town Hall to be made available to persons desiring to examine the same during all times when said Code is in effect.

### **Section 1-4 Amendments to Code**

Any and all additions, deletions, amendments or supplements to the Code or any new ordinances, when enacted or adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to this Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall

be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

#### **Section 1-5 Code Book to be Kept Current**

It shall be the duty of the City Secretary or such other authorized person to keep current the certified copy of the book containing the Code of the city of Delaware City required to be filed in the Town Hall for use by the public. All changes in said Code and all ordinances adopted by the City Council subsequent to the enactment of this Article in such form as to indicate the intention of said Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or ordinances until such changes or ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

#### **Section 1-6 Repeal of Enactments Not Included in Code**

All ordinances of a general and permanent nature of the City of Delaware City in force on the date of the adoption of this ordinance and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Article.

#### **Section 1-7 Enactments Saved from Repeal**

The repeal of ordinances provided for in Section 1-6 of this Article shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

a.) Any right or liability established, accrued or incurred under any legislative provision of the City of Delaware City prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

b.) Any offense or act committed or done before the effective date of this Article in violation of any legislative provision of the City of Delaware City or any penalty, punishment or forfeiture which may result therefrom.

c.) Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Delaware City.

d.) Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Delaware City.

e.) Any ordinance of the City of Delaware City providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Delaware City or any portion thereof.

f.) Any ordinance of the City of Delaware City appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Delaware City or other instruments or evidence of the town's indebtedness.

g.) Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

h.) The levy or imposition of special assessments or charges.

i.) The annexation or dedication of property.

j.) Any legislation relating to salaries.

k.) Any ordinance amending the Zoning Map or official map of the City.

l.) Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

### **Section 1-8 Changes in Previously Adopted Ordinances**

a.) In compiling and preparing the ordinances of the City of Delaware City for adoption and revision as part of the Code, certain grammatical and other minor changes were made in one (1) or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally adopted to read as such.

b.) In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this Article.

1.) In Chapter 3, Section 3-2 the income exemptions were increased to fifteen thousand dollars (\$15,000.00) per year for an individual and nineteen thousand dollars (\$19,000.00) per year per household.

2.) In Chapter 3, Section 3-2 the exemption for the assessed value of house is changed to forty thousand dollars (\$40,000.00)

### **Section 1-9 Incorporation of Provisions into Code**

The provisions of this ordinance are hereby made Article I of Chapter 1 of the Code of the City of Delaware City, and the sections shall be numbered 1-1 through 1-9 inclusive.

**Article II Swearing In of Newly Elected Officials****Section 1-16 Council Meeting**

The regularly scheduled meeting of the Mayor and Council, held on the second Monday of April of each year, shall be the appointed time for swearing into office the officials elected at the annual municipal election, held previous to this meeting.

**Section 1-17 Procedure During the Council Meeting**

Following action upon minutes of the March meeting, and financial business previous to the election, the present Mayor will swear into office all newly elected officials. The Mayor and Council, composed of those whose terms have not yet expired and the newly installed officials, will then proceed with new business.

**Sections 1-18 to 1-20 Reserved**

**Article III Compensation for the Mayor and Council****Section 1-21 Mayor**

(a) No salary shall be paid to the Mayor of Delaware City during the fiscal year 2009-2010.

(b) Commencing with fiscal year 2010-2011, the salary of the Mayor of Delaware City shall be the sum of One Hundred Fifty Dollars (\$150.00) per year, payable in two semi-annual installments of Seventy-Five Dollars (\$75.00) on April 15<sup>th</sup> and October 15<sup>th</sup>.

(c) Notwithstanding anything herein to the contrary, Mayor and Council, by resolution, may elect to suspend salary payments to the Mayor of Delaware City in whole or in part for any future fiscal year.

**Section 1-22 Council Members**

(a) No salary shall be paid to members of Council of Delaware City during fiscal year 2009-2010.

(b) Commencing with fiscal year 2010-2011, the salary of the members of Council of Delaware City shall be the sum of One Hundred Twenty Dollars (\$120.00) per year, payable in two semi-annual installments of Sixty Dollars (\$60.00) on April 15<sup>th</sup> and October 15<sup>th</sup>.

(c) Notwithstanding anything herein to the contrary, Mayor and Council, by resolution, may elect to suspend salary payments to the members of Council of Delaware City in whole or in part for any future fiscal year.<sup>1</sup>

**Sections 1-23 to 1-25 Reserved**

---

<sup>1</sup> Section 1-21 & 1-22 amended by Ordinance 09-0817-01 Adopted 9-21-09

## **Article IV Ethics for Officials and Employees**

### **Section 1-26 Definitions**

The terms used in this Article are hereby defined as follows:

a.) Official or Employee: Any person elected or appointed to, or employed or retained by, any public office or public body of the municipality, whether paid or unpaid and whether part-time or full-time.

b.) Municipality: The City of Delaware City and any local governmental unit under which the official or employee is functioning.

c.) Public Body: Any agency, board, body, commission, committee, department or office of the municipality.

d.) Financial Interest: Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the municipality) to the official or employee or to any person employing or retaining the services of the official or employee.

e.) Personal Interest: Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

f.) Person: Any person, firm, association, group, partnership or corporation, or any combination thereof.

### **Section 1-27 Fair and Equal Treatment**

a.) Impartiality. No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

b.) Use of Public Property. No official or employee shall request, use or permit the use of, any publicly-owned or publicly-supplied property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly-owned or publicly-supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated written public policy for the use of officials and employees in the conduct of official business.

**Section 1-28 Conflict of Interest**

a.) Financial or Personal Interest. No official or employee, either on his own behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with any public body in the municipality unless he shall first make full public disclosure of the nature and extent of such interest.

b.) Disclosure and Disqualification. Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberations as well as in the voting.

c.) Incompatible Employment. No official or employee shall engage in private employment with, or render services for, any private person who has business transactions with any public body of the municipality unless he shall first make full public disclosure of the nature and extent of such employment or services.

d.) Gifts and Favors. No official or employee shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him, if he were not an official or employee.

e.) Confidential Information

1.) No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any information involving matters discussed in an Executive Session or give or release to anyone documents or reports concerning matters discussed in Executive Session.

2.) Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.

**Sections 1-29 to 1-35 Reserved**

## **Article V Liens**

### **Section 1-36 General**

Whenever the City of Delaware City has lawfully imposed a fee, tax, fine, monetary penalty, assessment, surcharge or other monetary obligation upon an owner or owners of real property located within the city limits of the City of Delaware City, and such fee, tax, fine, monetary penalty, assessment, surcharge or other monetary obligation relates in any way to the existence, use or condition of such real property, or to services of any nature (including water, utility, demolition or nuisance abatement services) provided by the City to such real property, then any such unpaid fee, tax, fine, monetary penalty, assessment, surcharge or other monetary obligation shall, from the date of its imposition, be a lien against the parcel or parcels of real property with regard to which such fee, tax, fine, monetary, penalty assessment, surcharge or other monetary obligation relates. All such liens shall be superior and paramount to the interest in such real property of any owner, lessee, tenant, mortgage or other person or entity, except to the extent contrary to laws of the State of Delaware.

### **Section 1-37 Interest on Unpaid Balances**

To the extent that the fees, taxes, fines, monetary penalties, assessments, surcharges or other monetary obligations referred to in Section 1-36 hereof shall remain due and owing after the later of: 1) the date such charges are due under this Code; or 2) thirty (30) days from the date the City provides written notice of such charges to the property owner, such fee, tax, fine, monetary penalty, assessment, surcharge or other monetary obligation shall bear interest at the rate of twelve percent (12%) per annum until paid in full unless other provisions of this Code provide for a different rate of interest for a specific type of fee, tax, fine, monetary penalty, assessment, surcharge or other monetary obligation, in which event such provisions shall apply.

### **Section 1-38 Enforcement**

The City may institute legal action in any court of competent jurisdiction to enforce and foreclose upon any lien established under this section and to collect the amount of such lien, fee, tax, fine, monetary penalty, assessment, surcharge or other monetary obligation. In any such legal action, the City shall be entitled to sue for and collect as part of the judgment due from the property owner any and all pre and post judgment interest at the rate specified in this Code, as well as court costs, the City's reasonable attorney's fees and any other out of pocket expenditures incurred by the City in connection with the enforcement of the City's lien.