

LAWS
OF THE
STATE OF DELAWARE
ONE HUNDRED AND TWENTY-THIRD
GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

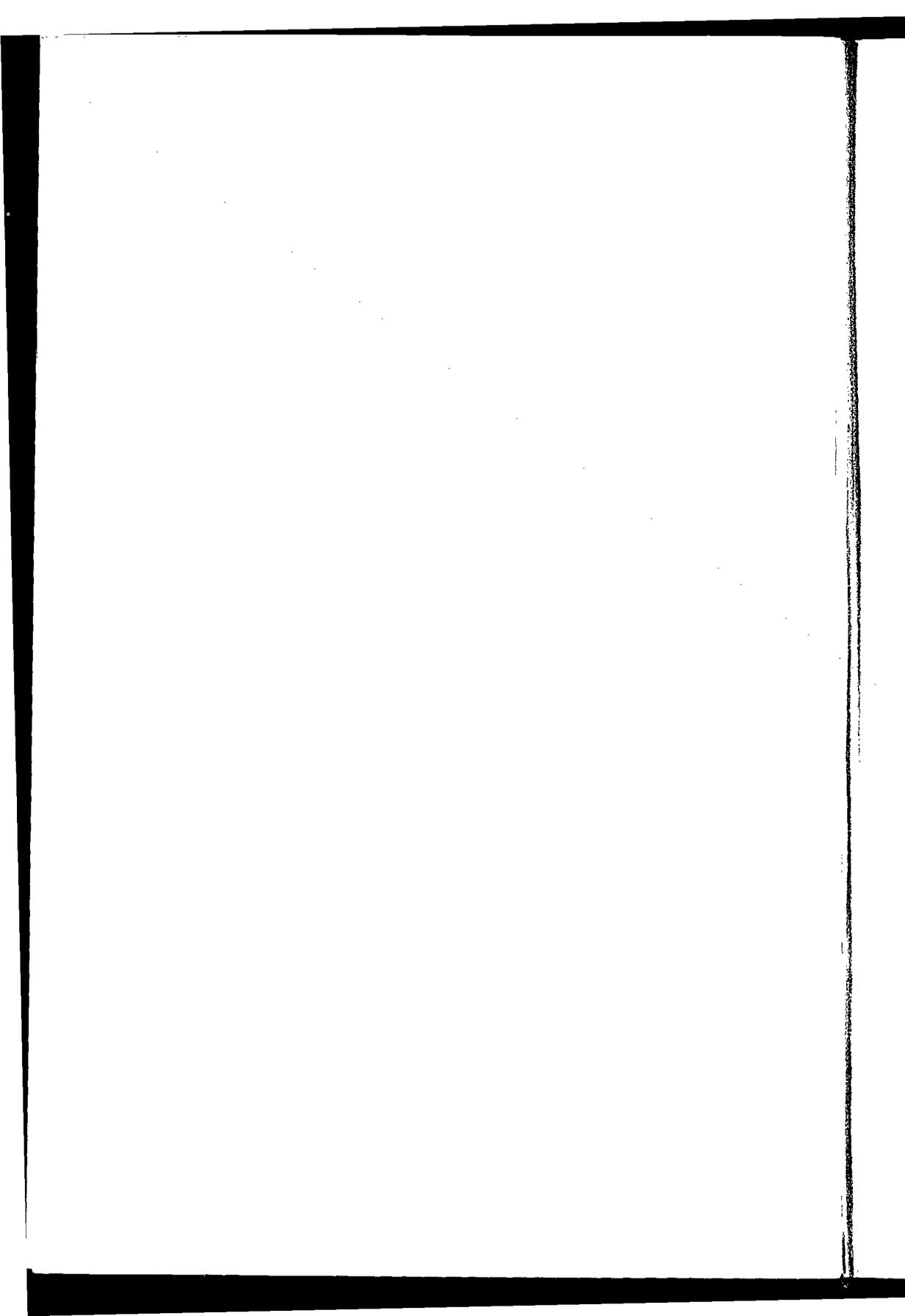
On Tuesday, January 5, A. D.
1965

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, February 1, A. D.
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LAWS OF DELAWARE

CHAPTER 1

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE 2, SECTION 15, OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO COMPENSATION, EXPENSES, AND ALLOWANCES OF MEMBERS OF THE GENERAL ASSEMBLY AND THE PRESIDENT OF THE SENATE.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 122nd General Assembly as follows:

“AN ACT PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 15, OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO COMPENSATION, EXPENSES, AND ALLOWANCES OF MEMBERS OF THE GENERAL ASSEMBLY AND THE PRESIDENT OF THE SENATE.

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. Section 15, Article 2, of the Constitution of the State of Delaware, is amended by striking the first paragraph thereof and inserting in lieu thereof a new paragraph to read:

The President of the Senate and the members of the General Assembly shall receive an annual salary of Four Thousand Five Hundred Dollars (\$4,500), payable quarterly. The members shall receive no other compensation for services as such members but shall be entitled to the usual expenses of transportation and the stationery allowance as provided by the Constitution and Laws of the State.”; AND

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 122nd General Assembly, NOW, THEREFORE,

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):

Section 1. The said proposed amendment is agreed to and adopted and shall forthwith become a part of the Constitution.

Effective January 6, 1965.

CHAPTER 2

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO," BEING CHAPTER 203, VOLUME 25, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 48, VOLUME 52, LAWS OF DELAWARE, PERMITTING ANNEXATION OF ADDITIONAL TERRITORY.

Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):

Section 1. Chapter 203, Volume 25, Laws of Delaware, as amended by Chapter 48, Volume 52, Laws of Delaware, is hereby further amended by adding a new Section at the end thereof to be designated Section 3 (A).

Section 3 (A). In the event that it becomes feasible or necessary in the future for the Commissioners of Millsboro to enlarge its then existing limits and territory, such annexation accomplished in accordance with the following procedures shall be lawful:

(a) If five (5) or more property owners resident in a territory contiguous to the then limits and territory of the Town of Millsboro, by written petition with the signature of each such petitioner duly acknowledged, shall request the Commissioners of Millsboro to annex that certain territory in which they reside and own property, the President of the Commissioners of Millsboro shall appoint a committee composed of not less than three (3) of the elected members of the Commissioners of Millsboro to investigate the possibility of annexation. The petition presented to the Commissioners of Millsboro shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the Commissioners of Millsboro, by a majority vote of the elected members thereof, may, by resolution, propose that a committee, composed of not less than three (3) of the elected members of said Commissioners of Millsboro, be appointed by the President to

investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the Town of Millsboro.

(b) Not later than ninety (90) days following its appointment by the President of the Commissioners of Millsboro, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Commissioners of Millsboro. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town and to the territory proposed to be annexed and shall contain the committee's recommendations whether or not to proceed with the proposed annexations and the reasons therefor. In the event that the committee appointed by the President of the Commissioners of Millsboro concludes that the proposed annexation is advantageous both to the City and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second resolution shall then be passed by the Commissioners of Millsboro proposing to the property owners and residents of both the Town of Millsboro and the territory proposed to be annexed that the Commissioners of Millsboro proposes to annex certain territory contiguous to its then limits and territory. In the event that the committee appointed by the President of the Commissioners of Millsboro concludes that the proposed annexation is disadvantageous either to the Commissioners of Millsboro or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the committee, the resolution proposing to the property owners and residents of both the Town of Millsboro and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds of the elected members of the Commissioners of Millsboro. If the resolution shall fail to receive the affirmative vote of two-thirds of the elected members of the Commissioners of Millsboro, the territory proposed to be annexed shall not again be considered for annexation for a period of one year from the date that the resolution failed to receive the required affirmative vote. The second resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution adopted by the Commissioners of Millsboro setting forth the above information shall be printed

in a newspaper having a general circulation both in the Town of Millsboro and in the territory proposed to be annexed, or, at the discretion of the Commissioners of Millsboro the said resolution shall be posted in five (5) public places both in the Town of Millsboro and in the territory proposed to be annexed.

(c) Following the public hearing, but in no event later than thirty (30) days thereafter, a resolution shall then be passed by a majority of the Commissioners of Millsboro ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. The passage of this resolution shall *ipso facto* be considered the determination of the Commissioners of Millsboro to proceed with the matter of the proposed annexation.

(d) The notice of the time and place of holding the said Special Election shall be printed within thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper having a general circulation both in the Town of Millsboro and in the territory proposed to be annexed, or, in the discretion of the Commissioners of Millsboro the said notice may be posted in five (5) public places both in the Town of Millsboro and in the territory proposed to be annexed, at least fifteen, (15) days prior to the date of the Special Election.

(e) At the Special Election, every property owner whether an individual, a partnership, or a corporation, both in the Town of Millsboro and in the territory proposed to be annexed, shall have one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the books of the Town of Millsboro in the case of Town property owners and by the records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed. Every citizen of either the Town of Millsboro or of the territory proposed to be annexed who is not a property owner shall have one (1) vote. In the case of property owned by a husband and wife jointly, the husband and wife shall each have one (1) vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in the Town of Millsboro and in the

territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in the Town of Millsboro and in the territory proposed to be annexed but does not reside in either place, he may vote only in the Town and not in the territory proposed to be annexed. In the event that an individual holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual to vote at the said Special Election, a duly authenticated copy of the power of attorney shall be filed in the office of the Commissioners of Millsboro. Said Power of Attorney as so filed shall constitute conclusive evidence of the right of said individual to vote in the Special Election.

(f) The Commissioners of Millsboro shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the Special Election.

(g) The form of the ballot shall be as follows:

This ballot casts.....votes.

- For the proposed annexation.
 Against the proposed annexation.

(check one)

(h) The President of the Commissioners of Millsboro shall appoint three (3) persons to act as a Board of Special Election, at least one of whom must reside and own property in the Town of Millsboro, and at least one of whom must reside and own property in the territory proposed to be annexed or be a representative of an individual, partnership or corporation which owns property in the territory proposed to be annexed. One of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in the office of the Commissioners of Millsboro and the Board of Election shall have available, clearly marked two (2) ballot boxes. All ballots cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be deposited in one such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents or property owners of the Town of Millsboro shall be deposited in the other such ballot box. The

polling places shall be opened from 12:00 o'clock noon prevailing time until 7:00 o'clock P. M., prevailing time, on the date set for the special Election.

(i) Immediately upon the closing of the polling place, the Board of Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to the Commissioners of Millsboro. The said certificate shall be filed with the papers of the Commissioners of Millsboro.

(j) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town of Millsboro and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for at least a period of one (1) year from the date of the Special Election. If a favorable vote for annexation shall have been cast, the Commissioners of Millsboro shall cause a description and a plot of the territory so annexed to be recorded in the office of the Recorder of Deeds for Sussex County in Georgetown, Delaware, but in no event shall such recording be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of the Town of Millsboro from the time of recording.

Approved January 29, 1965.

CHAPTER 3

AN ACT AUTHORIZING "THE TOWN OF SMYRNA" TO BORROW NOT IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF THE EXTENSION AND IMPROVEMENT OF THE WATER AND SEWER SYSTEMS, THE ELECTRICAL DISTRIBUTION SYSTEM AND THE STREETS OF THE TOWN OF SMYRNA.

Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met (two-thirds of all Members elected to each Branch of the Legislature concurring therein):

Section 1. That the Town of Smyrna, a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of the Town of Smyrna a sum of money not in excess of Five Hundred Thousand Dollars (\$500,000.00) for the purpose of the extension and improvement of the water and sewer systems, the electrical distribution systems and the streets of the Town of Smyrna.

Section 2. That the Mayor and Council of the Town of Smyrna, for any one or more of the purposes set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Town of Smyrna to an amount not exceeding in the aggregate the sum of Five Hundred Thousand Dollars (\$500,000.00) and that said bonds shall be known as Smyrna General Improvement Bonds, Series of 1965, the year in which the bonds are issued, the title of said bonds to state therein the purpose or purposes for which they are issued, but omitting from the title of said bonds any of the said authorized purpose or purposes for which the Mayor and Council decide to issue any of said bonds.

Section 3. That the said bonds shall be issued in one or more series, shall bear interest date or dates, shall mature at such time or times, not exceeding twenty-five (25) years from their respective dates, shall bear interest at such rate or rates