

Charter of the Village of Ardencroft

Name and General Powers

Section 1

- a) The inhabitants of the Village of Ardencroft in New Castle County, Delaware, and their successors within the limits hereinafter prescribed or hereafter established, are hereby constituted, created and established a municipal corporation and body public forever, by the name and style of the "Village of Ardencroft" hereinafter "the Village".
- b) Under that name they shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue or be sued; for any public, municipal educational or charitable purpose, may acquire by gift, grant, purchase, lease, demise, bequest or otherwise hold, real and personal property within and without the limits hereinafter prescribed; for the common benefit may dispose of real and personal property owned or held by it; and shall possess in addition to the powers expressly enumerated or specifically mentioned in this Act, all powers, which under the Constitution of the State of Delaware, it is now or in the future may be, lawful for this Act to enumerate. All powers of the Village, whether expressed or implied, shall be exercised as prescribed by this Act. If no procedure or manner of exercise be prescribed herein the same shall be exercised as prescribed by an appropriate ordinance or resolution of the Town Meeting of Ardencroft.

Territorial Limits

Section 2

- a) The corporate limits of the Village are hereby established and declared to be as follows: Beginning at the point of intersection of the center line of the Bird or Veale Road with the center line of the Grubb or Harvey Road; thence along the center line of the Grubb or Harvey Road, South thirty-five degrees fifty-eight minutes East four hundred eighty and eighty hundredths feet and South thirty-six degrees twelve minutes East three hundred twenty-two and fifty-five hundredths feet to a corner of lands formerly of Adam Williamson now the lands of Frank L. Speakman; thence along the boundary line of lands of said Frank L. Speakman South fifty degrees fifty-nine minutes West, passing over a three-quarter inch diameter iron pipe at a distance of twenty-five and three hundredths feet, a total distance of eleven hundred sixty-eight and thirty-one hundredths feet to old fence post at an angle point; thence continuing along the boundary line of lands of said Frank L. Speakman South fifty-three degrees fifty minutes five seconds West three hundred twenty-seven and seventy-two hundredths feet to a four and one-half inch diameter iron post marking the corner of lands formerly of James S. Conly, later lands of W. W. Weiman, now the lands of J. Christy Conner, Jr.; thence along the boundary line of lands now of J. Christy Conner, Jr. North twentyfour degrees twenty-five minutes twenty seconds West, passing through a four and one-half inch diameter iron post at a distance

of one thousand forty-three and two hundredths feet, a total distance of one thousand sixty-one and forty-nine hundredths feet to the center line of the Bird or Veale Road; thence along the center line of said Bird or Veale Road North eighty-seven degrees thirty-nine minutes thirty seconds West one hundred thirty-three and seventeen hundredths feet to a point, said point being on the extension Southeasterly of the Southwesterly side of a twenty-five feet wide right of way, and a corner of lands recently conveyed by Mary A. Burnham to Ralph P. Ryan and Isabel S. Ryan, his wife; thence along the boundary line of the land of Ralph P. Ryan and Isabel S. Ryan and along the Southwesterly side of a twenty-five feet right of way above mentioned North twenty- two degrees forty-one minutes fifteen seconds West seven hundred twenty-seven and seventy-seven hundredths feet to an iron pipe, a corner of land of said Ryans and said Mary A. Burnham; thence North seventeen degrees thirty two minutes fifty-five seconds West one hundred and thirty-nine and fifteen hundredths feet to an iron pipe and North twenty-two degrees forth-one minutes fifteen seconds West one hundred and forty-nine and fifty-nine hundredths feet to an iron pipe, a corner of said land of said Ryans and of the real estate development known as Arden; thence along the boundary line of said Arden tract North fifty-seven degrees thirty-eight minutes fifty seconds East eight hundred and nine and seventy-seven hundredths feet to a one-half inch diameter pipe that marks the corner of lands of Foord Von Bichowsky; thence partly along the boundary lines of Foord Von Bichowsky, E. F. Harford, and H. E. Wolcott, South thirty-five degrees fifty-four minutes fifteen seconds East seven hundred four and forty-nine hundredths feet to a one inch diameter iron pipe that marks the corner of property of H. E. Wolcott; thence along the boundary line of lands of H.E. Wolcott North fifty-four degrees fifty-seven minutes thirty seconds East, passing over a three-quarter inch diameter pipe at a distance of three hundred five and fifteen hundredths feet to the center line of the above mentioned Grubb or Harvey Road; thence along the center line of the said Grubb or Harvey Road South thirty-five degrees fifty-eight minutes East four hundred eighty and seventy- four hundredths feet, a total distance of three hundred thirty and fifteen hundredths feet to the center line of the above mentioned Grubb or Harvey Road; thence along the center line of the said Grubb or Harvey Road South thirty-five degrees fifty-eight minutes East four hundred eighty and seventy-four hundredths feet to the center line of the above mentioned Bird or Veale Road and the place of Beginning. Containing within said metes and bounds sixty and seven hundredths acres be the same more or less.

- b) The Town Meeting may at any time hereafter, cause a survey and plot of the village to be made, and said plot or any supplement thereto, when so made and approved by the Town Meeting signed by the Secretary of the Town Meeting, who shall affix thereto the municipal corporate seal of the Village, and upon being recorded in the office of the Recorder of Deeds of the State of Delaware in and for New Castle County, shall be the record thereof, and such record, or a duly certified copy thereof, shall be evidence in all Courts of Law and Equity of this State.

Definitions

Section 3

As used in this Act

- a) Eligible Voter shall mean a person, male or female, above the age of eighteen (18) years, who shall have resided in the Village for a period of 30 consecutive days of actual residence.
- b) Officers of the Town Meeting shall be the Town Meeting Chairperson, Secretary and Treasurer.

Structure of Government

Section 4

The government of the Village and the exercise of all powers conferred by this Act, except as otherwise provided herein, shall be vested in the Town Meeting of the Village of Ardencroft, referred to herein as the "Town Meeting". The Town Meeting shall consist of all eligible voters of the Village.

Meetings of the Town Meeting

Section 5

- a) Six regular meetings of the Town Meeting shall be held each year during the months of January, March, May, July, September and November at the Arden Gild Hall or other suitable public place, the date and time of regular meetings shall be established by the Town Meeting. Written notice of the time, date, and place of regular meetings of the Town Meeting shall be given by the Secretary of the Town Meeting to all eligible voters at least 5 days prior thereto, by mail or delivery.
- b) Special meetings of the Town Meeting shall be called by the Secretary of the Town Meeting (1) upon written request of 15 eligible voters, provided that such request shall state the purpose for calling such meeting, which purpose shall be set forth in the notice of such meeting; or (2) upon the affirmative vote of a majority of eligible voters at a regular or special meeting shall state the purpose therefore, which purpose shall be set forth in the notice thereof. Notice of time, date, and place of any special meeting of the Town Meeting shall be given to all eligible voters at least 7 days before the date thereof, by mail or delivery.
- c) At all meetings of the Town Meeting, fourteen (14) eligible voters shall constitute a quorum for the enactment of all ordinances, the adoption of all resolutions and motions, and the transaction of all business properly before the Town Meeting.
- d) Each eligible voter attending a meeting of the Town Meeting shall have one vote on each matter brought before such meeting. The Secretary of the Town Meeting shall take the yeas and nays and, unless otherwise specified in this Act, a majority of the yeas shall be

sufficient to pass all ordinances, resolutions and motions at any meeting of the Town Meeting, and to transact all business properly brought before the meeting.

- e) No ordinance of the Village shall be voted upon by the Town Meeting unless submitted to the Town Meeting in writing and read at two consecutive meetings whether regular or special, next preceding the meeting at which such ordinance shall be voted upon.
- f) The Town Meeting shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays which shall be taken upon the passage of every ordinance and resolution. 70 Del. Laws, c. 363

Officers

Section 6

- a) The Town Meeting shall elect annually an eligible voter to serve as Chairperson of the Town Meeting who shall preside at all meetings thereof, and who may be empowered by the Town Meeting to appoint members to Special Committees. The Chairperson shall serve for a term of one (1) year or until his successor is duly elected by the Town Meeting in accordance with the provisions hereof. The signature, certifications or attestation of the Chairperson of the Town Meeting to any document pertaining to the affairs of the Village called for by any act, statute, rule or regulation of the State of Delaware or any agency thereof shall be good and sufficient compliance therewith, notwithstanding that such act, statute, rule or regulation designates such document to be signed, certified or attested by the Mayor, City Manager, President or Council or like designated chief executive of an incorporated municipality of the State of Delaware.
- b) The Town Meeting shall elect annually an eligible voter to serve as Secretary of the Town Meeting for a term of one year or until a successor is duly elected by the Town Meeting in accordance with the provisions hereof. The Secretary shall have charge and custody of the books, journal, records, papers and other effects of the Village and shall keep the same in a safe and secure place. The Secretary shall file and keep in a safe place the seal of the Village and all papers and documents arising out of the proceedings of the Town Meeting and relative to the affairs of the Village and shall deliver the same to the successor in office. The Secretary shall attest the seal of the Village when authorized by the Town Meeting and shall perform such duties and have such other powers as may be prescribed by ordinance. All books, records and journals of the Village in the custody of the Secretary may, upon written request be inspected in the presence of the Secretary by any eligible voter of the Village desiring legitimate information at any time or times as may be convenient.
- c) The Town Meeting shall elect annually an eligible voter to serve as Treasurer for a term of one year or until a successor is duly elected by the Town Meeting in accordance with the provisions hereof. It shall be the duty of the Treasurer to furnish annually to the Coordinating Committee (hereinafter referred to) all necessary information upon which the Coordinating Committee can recommend a proposed budget to the Town Meeting at

least two months prior to the next fiscal year. Such information shall include the actual expenditures of the Village during the prior fiscal year and the budget adopted by the Town Meeting for the current fiscal year of the Village.

Committees

Section 7

- a) The Town Meeting shall elect such officials and agent, committees, and commissioners of the Village which the Town Meeting may deem proper and necessary for the management of the Village and for the operation and enforcement of this Act and of any ordinances and resolutions adopted hereunder. Any person so elected must be an eligible voter of the Village and shall serve at the pleasure of the Town Meeting but in no event longer than two years unless re- elected. The Town Meeting may at such times as it feels appropriate empower the Town Chairman to appoint members to Special Committees. Any person so elected or appointed must be an eligible voter of the Village and shall serve for the duration of the committee's purpose.
- b) All persons presently serving on committees of the Town Meeting shall continue in office until their successors are duly elected in the manner herein provided.

Registration Committee

Section 8

- a) The Registration Committee shall consist of three eligible voters elected for a term of two years. Two members shall be elected on odd-numbered years and one on even-numbered years.
- b) The Registration Committee shall register all eligible voters as defined in Article 3, Section (a) of this Act and keep a complete up-to-date record denoting all eligible voters of the Village of Ardencroft including the date of the establishment of residence. The Registration Committee shall remove from the Registration Record the names of those persons who have ceased to qualify as eligible voters. The registration record shall be conclusive evidence of the entitlement of the persons thereon listed to vote at meetings of the Town Meeting.
- c) The Registration Committees shall have complete supervision of all elections of officers, agents, committees and commissioners of the Village, and shall certify in writing the results of such voting to the Town Meeting held hereunder.

Elections

Section 9

- a) Elections shall be held annually.
- b) Officers and committee members shall be elected by secret ballot, at a regular Town Meeting.

- c) The officers shall be elected by a majority of votes cast. If no candidate for an office receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the highest number of votes.
- d) Committee members shall be elected by plurality of those voting.

Coordinating Committee

Section 10

- a) The Coordinating Committee shall consist of Town Meeting officers, the chairpersons of all standing and special committees, and the immediate past Town Meeting chairperson. The Town Meeting Chairperson shall serve as chairperson of the Coordinating Committee. The Town Meeting Secretary shall serve as secretary of the Coordinating Committee.
- b) The Coordinating Committee shall be advisory in character; coordinate and review the committee activities of the Village and shall prepare a budget governing the expenditure of all Village funds and report same to the Town Meeting at the regular meeting next preceding the beginning of the new fiscal year. The Town Meeting can modify or amend all or any portion of the budget proposed by the Coordinating Committee. The Village budget, as approved by the Town Meeting, with or without modification, shall govern the use and expenditure of the monies therein specified for and during the fiscal year of the Village next following.
- c) The Coordinating Committee shall present annually nominations for all vacancies in standing committees; and officers of the Town Meeting to the Town Meeting for elections to be held annually. They shall be required to submit more nominees than are to be elected to each committee and office. Additional nominations may also be made from the floor at the regular Town Meeting proceeding the meeting at which elections are to be held. Nominations may also be made until thirty days before the date of election by petitions, presented to the Registration Committee, containing signatures of ten eligible voters of the Village of Ardencroft.

Vacancies

Section 11

In case of vacancy created in any office established under the provisions of this Act and the doings of the Town Meeting by reason of death, resignation, termination of residence in the Village, conviction of a felony or otherwise, the Town Meeting, at the earliest possible meeting, shall elect some suitable person to serve the unexpired term of such office.

Powers and Ordinances

Section 12

The Village shall have all powers possible for the Village to have under the Constitution and laws of Delaware as fully and completely as though they were specifically enumerated by this Act. In furtherance thereof, the Town Meeting is hereby vested with the authority to enact ordinances

and adopt resolutions relating to any subject within the powers of functions of the Village, or relating to the government of the Village, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more states or civil divisions or agencies thereof, including the government of New Castle County, or the United States or any agency thereof.

It shall be the duty of the Town Meeting, at a reasonable time or times, to compile the ordinances, codes, orders and rules of the Town Meeting of the Village. The Town Meeting shall have a reasonable number of copies printed for the use of the officials of the Village and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, the Secretary of the Town Meeting shall enroll the same in the journal of the Town Meeting and keep copies of the same in a book to be provided for that purpose so that the same may be readily examined.

No ordinances of the Village concerning zoning, housing or building permits shall be less restrictive than the requirements of the New Castle County codes now and hereafter in effect.

Enforcement, Fines and Penalties

Section 13

- a) The Justices of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court located nearest to the Village shall have jurisdiction and cognizance of all offenses against the provisions of this Act or the authorized ordinances of the Village committed within the limits of the Village as far as to arrest and hold to bail or fine offenders, provided that he shall impose no fine or penalty in excess of that fixed by the ordinance.
- b) No ordinance of the Village shall provide for a fine in excess of \$100.

Police Force

Section 14

The Town Meeting may appoint a police force consisting of such person or persons as the Town Meeting may deem wise and advisable. The Town Meeting shall from time to time upon recommendations of its Coordinating Committee, adopt rules and regulations as may be necessary for the organization, government and control of the police force. The members of the force shall be subject to the direction of the Town Meeting and may be removed by the Town Meeting at any time. They shall preserve peace and order and shall compel obedience within the Village limits to the ordinances of the Village and the laws of the State; and they shall have such other duties as the Town Meeting shall from time to time prescribe.

Each member of the Police Force shall be vested with all powers and authority of a constable of New Castle County within the Village limits and within one mile outside such limits, and in the case of the pursuit of an offender, his power and authority shall extend to all parts of the State of Delaware.

Upon the view of the violation of any ordinance of the Village relating to the peace and good order thereof, the police shall have the right and power to arrest without warrant and to take the offender before the Justice of the Peace, as aforesaid.

Contracts of the Town Meeting

Section 15

The Town Meeting is vested with the authority on behalf of the Village to enter into contracts for the rendering of services to the Village and/or the purchase of supplies and doing of work for any municipal purpose of the Village consistent with this Act. All formal contracts shall be signed by the Chairperson of the Town Meeting, with the seal of the Village attached and attested by the Secretary of the Town Meeting.

Severability

Section 16

If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act.

Section 17

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

Approved July 7, 1976

60 Del. Laws, c. 515; 70 Del. Laws, c. 363