Town of Bellefonte, Delaware

ORDINANCE 2015-2: ANNEXATION

Be it enacted by the Town Commissioners of the Town of Bellefonte, a Majority of Commissioners concurring therein:

1.) In accordance with, and pursuant to, Section 2.2.2 of the Town of Bellefonte Town Charter, the Town shall have the power and authority to extend its boundaries by the annexation of territory contiguous to its existing Town borders. The annexation of any such territory shall be consistent with the procedures as provided for in 22 Del.C. §101.

2.) In addition to those procedures as provided for in 22 Del.C. §101, the following procedures shall apply:

a.) Process - The Town Commission has the authority to annex adjoining property in response to a request from the Planning Commission, resident, or at the request of non-residents. To begin the process, the Town Commission shall, by a majority vote of members, pass a resolution initiating annexation and triggering a series of required notifications and the scheduling of a public hearing. This resolution shall specify the area(s) to be annexed and provide the eligible petitioners of the territory(ies) to be annexed (see section on notice below) with a date for the public hearing and the opportunity to petition the Town Commissioners on the annexation. The resolution shall, in addition to identification of the area(s) to be annexed, state the purpose of the annexation, the deadline for filing a petition (30 days after the date of notice), and the date, time, and place of the public hearing. Petitions signed by more than 50 percent of the eligible petitioners will be given consideration by the Town Commissioners regarding whether to proceed with the annexation.

b.) Notice ï Notice of said public hearing for annexation shall be published in a newspaper having a general circulation in the area to be annexed at least seven days in advance of the public hearing. The notice shall contain the description of the area to be annexed, time, place, and date of the election, and the eligibility of those who are entitled to petition the Town Commissioners regarding the annexation pursuant to Section 2a of this Ordinance. In addition to the publication, the notice shall be posted on the Town Notice Board and one the Town website.

c.) Petitioner Eligibility – All persons, partnerships, corporations or associations who own real estate to be annexed shall be entitled to petition the Town Commissioners regarding the Annexation pursuant to Section 2a of this Ordinance.

d.) Petitions regarding annexation shall be collected, analyzed and included in the minutes to the public hearing, as presented by the Bellefonte Planning Commission, and shall be retained as part of the permanent record of the annexation.

e.) Contest – Any annexation under this Ordinance may be contested as provided by law.

3.) Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Bellefonte Town Commission would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Bellefonte Town Commission's intent.

First Reading: __10-12-15_____ Second Reading: ___11-9-15_____

Approved by the Commissioners: _____
President

Attest: _____ Date: ___11-9-15_____
Secretary