

**SYNOPSIS OF AN ORDINANCE OF THE TOWN OF SOUTH BETHANY
REGARDING CODE ORDINANCE ADOPTION PROCEDURE**

ORDINANCE 219-25 (FIRST READING)

(Sponsored by Mayor Dondero)

This ordinance amends Chapter 1 to establish clear procedure for the adopting and preparing ordinances to amend the Town Code in the Town of South Bethany.



DRAFT

ORDINANCE NO. 219-25

WHEREAS, the Town of South Bethany recognizes adopting procedure for a revision and codification of the ordinances of the Town of South Bethany, Delaware.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of South Bethany, Delaware, as follows:

§ 1-1. Code adopted; existing ordinances continued.

The ordinances of the Town of South Bethany of a general and permanent nature adopted by the Town Council of the Town of South Bethany, as revised and codified and consisting of Chapters 1 through 145, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Town of South Bethany, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1995 Code of the Town of South Bethany, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Secretary and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance such copy shall be certified by the Town Secretary as provided by law, and such certified copy shall remain on file in the office of the Town Secretary, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of South Bethany" shall be understood and intended to include such additions and amendments.

§ 1-3. Notice; publication.

The Secretary of the Town of South Bethany shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this

ordinance coupled with the filing of the Code in the office of the Town Secretary as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-5. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of South Bethany which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following have been excluded from the Code and are specifically repealed:
 - (1) Ch. 1, Art. II, Ratification of Charter. adopted September 8, 1995.

§ 1-6. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to March 14, 2025.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

- D. 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.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, naming, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending the Zoning Map or otherwise rezoning property.
- O. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Town.

§ 1-7. Changes in previously adopted ordinances; new ordinances.

- A. In compiling and preparing the ordinances of the Town of South Bethany for adoption and revision as part of the Code, certain grammatical and other minor changes were made in one or more of said ordinances. It is the intention of the Town 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 ordinance, as set forth in Schedule A attached hereto and made a part hereof. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Town of South Bethany to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a penalty of not more than \$100.

§ 1-10. When effective.

All provisions of the Code shall be in full force and effect on and after the effective date of this ordinance, which shall take effect immediately upon its final adoption.

Effective date. This ordinance shall become effective upon the date of adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY,
DELAWARE, ON THE _____ OF _____ 2025.

SEAL:

Edith Dondero, Mayor

Christine Keefe, Council Secretary

ATTEST: _____

1st Reading: 7/11/25

2nd Reading:

Ordinance 219-25