

Sponsor: Mayor Frankie Dale Rife
First Reading: 9/12/11
Second Reading: 10/3/11

ORDINANCE 1-11

AN ORDINANCE GOVERNING THE ADOPTION, AMENDMENT, OR REPEAL OF ORDINANCES

WHEREAS, the Town Council of the Town of Wyoming finds it prudent to establish regulations for adopting, amending, and repealing ordinances; and

WHEREAS, the Town Council of the Town of Wyoming has repealed Ordinance #1-07, An Ordinance Pertaining to the Publishing of Ordinances or Resolutions Relating to the Government of the Town of Wyoming, in anticipation of enacting this ordinance;

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance 1-11 “An Ordinance Governing the Adoption, Amendment, or Repeal of Ordinances” be and hereby is enacted, as follows to wit:

AN ORDINANCE GOVERNING THE ADOPTION, AMENDMENT, OR REPEAL OF ORDINANCES

Section 1. Amendment or repeal of existing ordinances.

No existing ordinance shall hereafter be amended or repealed, except by an ordinance specifically amending or repealing the existing ordinance. The adoption of such an ordinance repealing or amending an existing ordinance shall be dealt with as the adoption of a new ordinance, except where otherwise stated herein.

Section 2. Preparation of ordinances.

Ordinances may be prepared by the Town Solicitor, by the Town Clerk or by or for any member of Town Council (hereinafter called “Council”), but no ordinance shall be presented for final passage until reviewed by the Town Solicitor as to form and legality and by the Town Clerk for administration where there are substantial matters of administration involved.

Section 3. Introduction of ordinances.

A proposed ordinance must be introduced and sponsored by a member of the Council.

Section 4. Adoption of ordinances.

A. Except as provided under § 5, Suspension of Rules, no ordinance shall be adopted by the Council on the same day it is introduced, and all ordinances shall have two (2) separate readings before passage.

B. The first reading shall consist of the introduction of the ordinance by its sponsor during a regular meeting of the Council at which a quorum is present. The ordinance shall be read by title and synopsis only unless a reading of the body of the ordinance is requested by the majority vote of the Town Council. Following the introduction of an ordinance by its sponsor, the Town Council may engage in full discussion or debate concerning the merits of the ordinance, but no final vote shall be taken thereon except under § 5 hereof, Suspension of rules. At or before the first reading, a written copy of the proposed ordinance shall be distributed to each member of the Council and the Town Solicitor. Whenever reasonably possible, a rough draft of the proposed ordinance shall be provided to the Town Council and the Town Solicitor at least one (1) week before the first reading.

C. Immediately following the first reading, the proposed ordinance may (but need not be) referred to either a special committee or to a workshop meeting of the Council, where the Council shall serve as a committee of the whole. Such decision shall be made by the Mayor with approval of a majority of the Council. The title of the ordinance and the synopsis shall be posted in the Town Hall. Copies of the proposed ordinance shall be made available to the public upon request at the Town Hall.

D. If referred to a special committee or to a committee of the whole, such committee may take such action as it deems appropriate in order to make a recommendation to the Council, including but not limited to advertising, hold public hearings or holding workshop discussions.

E. If referred to a special committee or committee of the whole, such committee shall report back to the Council at a regular meeting at which a quorum is present within three (3) months of the first reading (if an earlier time shall not have been appointed). At such time, the ordinance may be presented for a second and final reading. If not having been referred to a special committee or committee of the whole, a proposed ordinance shall be presented for a second and final reading at any regular meeting at which a quorum is present held within three (3) months of the first reading. At such second reading, further discussion by the Council and public comment may be had and any final amendments shall be in order, provided that they fairly fall within the title and subject of the ordinance as first introduced. The Council shall make a final vote on the proposed ordinance, in its final form, at the meeting during which it was presented for the second and final reading. If a proposed ordinance is not presented for a second and final reading within three (3) months of its first reading, it shall expire and cease to have any force or effect as if it had never been introduced.

F. No action on any proposed ordinance shall be taken unless posted on the agenda of the meeting in accordance with the Delaware Freedom of Information Act.

Section 5. Suspension of rules.

Whenever it becomes desirable to adopt or amend a particular ordinance in less than two (2) readings, the procedure set forth in § 4 hereof may be suspended by the affirmative vote of at least four (4) Council members, provided that the reason for suspending the rules shall be publicly stated and recorded in the minutes. In such case, the ordinance in question may be enacted at the same meeting at which it was introduced.

Section 6. Form of ordinance.

A. Each new ordinance shall contain the following:

- (1) The number of the ordinance.
- (2) The title, which shall clearly express the subject of the ordinance. No ordinance shall relate to more than one (1) subject.
- (3) An enacting clause, stating that the ordinance has been duly adopted by a majority of the quorum of the Council.
- (4) The body of the ordinance.
- (5) The penalty, if any.
- (6) The effective date, if different from the date of adoption.
- (7) A brief synopsis.
- (8) A signed certification by the presiding Council member and by the Town Clerk attesting to the adoption of such ordinance.

B. Each amendment to an existing ordinance or the repeal of an existing ordinance shall, in addition to the items listed in Subsection A above, contain the title and section number of the ordinance being amended or repealed.

Section 7. Authentication; recording; publication.

A. Upon the adoption of any ordinance, the presiding Council member and the Town Clerk shall sign one (1) copy of the ordinance (dated as of its adoption) to authenticate that document as a true and correct record of the action taken by the Council.

B. The Town Clerk shall post one copy of the adopted ordinance at Town Hall within ten (10) days of its adoption, which shall remain posted for thirty (30) days. The Town Clerk shall maintain a file of all ordinances passed, repealed or amended by the Council, which shall be organized according to title and number. The original signed copy of the ordinance shall be placed in this file and shall be an official record of the action taken by the Council.

Section 8. Exemptions.

Notwithstanding any other provision in this ordinance to the contrary, this ordinance shall have no application to the following, which are specifically exempt from the terms of this ordinance:

A. Any action by the Council adopting, amending or repealing any provision of the Town Zoning Ordinance, or the Town Zoning Map.

B. Any action adopting, amending or repealing the Town Subdivision Ordinance.

Section 9. Procedures for internal benefit of council only; strict compliance not required; no standing to challenge noncompliance except by members of council.

The purpose of this ordinance is to provide an orderly procedure for the internal convenience and benefit of the Town Council in adopting, amending or repealing ordinances. Substantial compliance with this ordinance shall be sufficient. The failure of the Town Council to strictly comply with any or all of the provisions of this ordinance shall not invalidate any ordinance adopted by the Town Council that is otherwise in compliance with the provisions of the Town Charter, nor shall any such noncompliance give any citizen, other than a member of the Town Council, any right or standing to object to the Council's failure to strictly comply with the terms and provisions of this ordinance.

Synopsis

This Ordinance establishes a formal procedure and standards to govern the adoption, amendment, or repeal of any ordinance by the Town Council. This ordinance creates rules for how many readings an ordinance should have. This ordinance requires the title and synopsis of proposed ordinances to be posted at Town Hall, and requires adopted ordinances to be posted at town hall within 10 days of their adoption. This ordinance specifies that these procedures and standards are for the internal benefit of the Town Council only and do not create any right or standing in any person other than a member of the Town Council to challenge an ordinance based on compliance with these procedures.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on October 3, 2011.

Attest: *Parrela B. Haddock*
Town Clerk

So Certifies:

Frankie Dale Ruff
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on Oct 4, 2011.

So Certifies:

10/4/11
Date

Parrela B. Haddeck