

Charter of Arden

Preamble of Arden

We, the people of the Village of Arden, under the constitution and laws of the state of Delaware, to secure the benefits of local self-government and to provide for an open, honest, and accountable general assembly government, do hereby adopt this charter and confer upon the Village the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. This action affirms the values of direct democracy, strong volunteer political leadership, active citizen participation, diversity and inclusiveness, social justice, regional cooperation, and environmental stewardship. Founded in 1900 upon the economic theory of Henry George's Single Tax, principles of the Arts and Crafts movement, the Garden City concept, and other contemporary forward-thinking ideas, the Village of Arden has continued to nurture a diverse community that includes many artists, activists, and reformers.

Name and General Powers

Section 1

- (a) The inhabitants of the Village of Arden, 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 politic forever, by the name and style of the "Village of Arden", 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 and 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 Assembly of Arden.

Territorial Limits

Section 2

- (a) The corporate limits of the Village are hereby established and declared to be as follows:

BEGINNING at a point on the southeasterly right of way line or Marsh Road (at 60 feet wide), said point of Beginning being in the center line of the West Branch of

Naamans Creek and a corner for lands now or formerly of the Trustees of Ardentown; thence from said point of Beginning and along the said center line of the West Branch of Naamans Creek by the various courses thereof in a generally southeasterly direction and along line of said lands now or formerly of the Trustees of Ardentown, lands now or formerly of the Albert T. Hanby Foundation, along the southwesterly boundary line of Highland Woods, along line of lands now or formerly of Stockdale Corp., and along the southwesterly boundary line of Indian Field, 3900±feet to a point; thence along the northwesterly line of Ardentown, South 62°-08'-05" West, 2291.79 feet to a point in the center line of Grubb or Harvey Road, said course crossing over an existing monument set on the southwesterly side of Orchard Road (at 38 feet wide) and crossing Apple Tree Lane and Millers Road (at 38 feet wide) ; thence along the said center line of Grubb or Harvey Road, North 20°-05'-50" West, 5.75 feet to a point; thence along line of lands now or formerly of Alfred Strickler the three following described courses and distances: (1) South 63°-05'-40" West, and passing through a 48 inch tulip poplar tree, 86.89 feet to a point; (2) South 60°-31'-00" West, 127.20 feet to a point; and (3) South 58°-45'-00" West, 131.90 feet to a point, a corner for said lands now or formerly of Alfred Strickler and lands known as Ardencroft; thence along the northwesterly line of said lands known as Ardencroft and lands now or formerly of the Ardencroft Association known as the Mushroom House Lot, South 57°-38'-50" West, 1356.16 feet to an existing pipe in the northeasterly line of lands now or formerly of Benjamin J. Steinbery et ux; thence thereby North 25°-04'-24", West, 1354.00 feet to a point, a corner for lands now or formerly of Samuel B. Eure et ux; thence along the northeasterly line of said lands now or formerly of Samuel B. Eure et ux, North 25°-00'-25" West, 777.10 feet to a monument located on the said southeasterly right of way line of Marsh Road; thence along the said southeasterly right of way line of Marsh Road the three following described courses and distances: (1) North 58°-31'-13" East. 758.02 feet to a point, said course crossing said Grubb or Harvey Road; (2) North 56°-54'-59" East, 1062.84 feet to a point of curvature; and (3) northeasterly along a curve to the left having a radius of 984.93 feet. an arc distance of 317.89 feet to a point in the said center line of the West Branch of Naamans Creek and a corner for said lands now or formerly of the Trustees of Ardentown and the point and place of Beginning, said course being distant by a chord of North 47°-40'-12" East, 316.51 feet from the last described point. CONTAINING within such metes and bounds, and including Grubb or Harvey Road, 159.00 acres of land be the same more or less...

(b) Amended Boundaries

Sherwood Forest Addition purchased on February 7, 2004 5.02 acres

BEGINNING at a point in the Southeasterly side of Marsh Road (at sixty feet wide) distant Southwesterly seven hundred twenty-eight and fifty-six one-hundredths feet measured along said Southeasterly side of Marsh Road from the intersection thereof with the center line of Grubb Road, said point of Beginning being a corner for lands now or formerly of Arden Trustees; thence from said point of Beginning along line of lands now

or formerly of Arden Trustees, South twenty-one degrees, one minute, thirty seconds East, seven hundred seventy-seven and ten one-hundredths feet to a point, a corner for lands now or formerly of Joseph L. Stecker; thence along line of lands now or formerly of Joseph L. Stecker South seventy degrees, fifteen minutes ten seconds West, three hundred feet to a point; thence by line of lands of Sherwood Green North nineteen degrees, twenty minutes, twenty-four seconds West, seven hundred thirty-nine and three one-hundredths feet to a point in said Southeasterly side of Marsh Road; thence thereby North sixty-two degrees, twenty-eight minutes, thirty-six seconds East, two hundred eighty feet to said corner for land now or formerly of Arden Trustees and to the point and place of Beginning. Containing within said described metes and bounds 5.026 acres of land, be the same more or less.

Mill Race ADDITION purchase June 30, 2017, 1.6 acres

LOT 3, Section F:

BEGINNING at a point in the northwesterly side of Mill Race Road, at 40 feet wide, said point being southwesterly 171.75 feet measured along said side of Mill Race Road from a concrete monument marking the southerly end of a junction curve connecting said side of Mill Race Road with the westerly side of Ravine Road, at 40 feet wide and in the division line between Lots Nos. 2 and 3, Section F; thence thereby, North 59 degrees 00 minutes West 93.01 feet to a point in the division line between Lot 3, Section F, and lands late of Albert T. Hanby; thence thereby South 31 degrees 00 minutes West, 135 feet to a point in the division line between Lots Nos. 3 and 4, Section F; thence thereby, South 59 degrees 00 seconds East,

58.73 feet to a point in the northwesterly side of Mill Race Road; thence thereby, northeasterly along a curve to the right 87.81 feet to a concrete monument marking the beginning of a tangent; thence North 55 degrees 31 minutes East, 25 feet along said side of Mill Race Road to a concrete monument marking the beginning of a curve to the left; thence northeasterly along said side of Mill Race Road, 28.69 feet to the place of Beginning. BE the contents thereof what they may.

LOTS 4,5,6, Section F:

BEGINNING at a point in the middle of West Branch of Naaman's Creek, at the division line between Highlands Woods and lands now or formerly of Albert T. Hanby, said point of Beginning being marked by a drill hole in a rock as shown on said plat; thence along the division line between Highland Woods and lands now or formerly of said Albert T. Hanby, North 31 degrees East 205 feet more or less to a point in the division line between Lot No. 3 and Lot No. 4, Section F; thence along the division line between Lot Nos. 3 and Lot No. 4, Section F, South 59 degrees East, 58.73 feet to a point in the southwesterly side of Mill Race Road, at 40 feet wide; thence in a southerly direction by the said side of Mill Race Road,

along a curve to the left a distance of 88 feet to a point in the division line between Lot No. 4 and Lot No. 5, Section F; thence southeasterly along said side of Mill Race Road along a curve to the left, 87.78 feet to a point marking the beginning of a tangent; thence northeasterly along said side of Mill Race Road along said tangent 67.28 feet to a point marking the beginning of a curve to the right; thence along said side of Mill Race Road along said curve to the right, 65.31 feet to a point in the division line between Lot No. 6, Section F and other lands now or formerly of Stockdale Corporation; thence thereby South 39 degrees 49 minutes West 203.84 feet to a point in the center line of the west branch of Naaman's Creek; thence thereby northwesterly 303 feet more or less to the place of Beginning. BE the contents thereof what they may.

(c) The Town Assembly 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 Assembly, signed by the Secretary of the Town Assembly, 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) Resident shall mean a person, eighteen (18) years or older, who shall have resided in the Village for a period of six consecutive months immediately preceding each referendum or each meeting of the Town Assembly of Arden held pursuant to this Act.
- (b) General referendum shall mean an election or vote of the residents of the Village at which the vote of a majority of the residents of the Village shall be necessary for the passage or approval of any matter or the election of any candidate voted upon thereat, unless otherwise expressly provided in this Act.
- (c) Trustee shall mean a person serving as Trustee under a certain Indenture made the 31st day of January 1908 wherein the lands described in Section 2 hereof, were conveyed upon certain trusts.
- (d) Leaseholder shall mean a person who leases a portion of the lands described in Section 2 hereof, from the Trustees serving under said Indenture. 58 **Del. Laws**, c. 91
- (e) An ordinance is a municipal regulation enacted by the Town Assembly which carries the state's authority and has the same effect within the municipality as a state statute.
- (f) A resolution is an act of the Town Assembly which formally expresses the will or action of the Town Assembly.
- (g) A policy is a standard course of action officially established by the Town Assembly; a procedure is a specific course of action adopted by the Town Assembly for implementing a policy.

- (h) A motion is a proposal made in a meeting of the Town Assembly for taking a formal action or position.

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 Assembly of the Village of Arden, referred to herein as the "Town Assembly". The Town Assembly shall consist of all residents of the Village.

Meetings of the Town Assembly

Section 5

- (a) Regular meetings of the Town Assembly shall be held on the fourth Monday of January, March, June and September of each year after the approval of this Act at the Gild Hall in the Village or other suitable public physical or virtual venue in the Village. Written notice of the agenda, time, date and place of all regular meetings of the Town Assembly shall be delivered by the Secretary of the Town Assembly to all residents of the Village at least 7 days prior to hereto, or as state law requires.
- (b) Special meetings of the Town Assembly shall be called by the Secretary of the Town Assembly (1) upon the written request of 25 residents, 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 residents in attendance at a regular or special meeting of the Town Assembly provided that any motion for the calling of a special meeting shall state the purpose therefor, which purpose shall be set forth in the notice thereof. Notice of the agenda, time, date and place of any special meeting of the Town Assembly shall be delivered to all residents at least 7 days before the date thereof, or as state requires. The business of the special meeting shall be confined to the subject mentioned in the call. The date of the special meeting shall be determined by the Advisory Committee. The Special meeting shall be held not more than 45 days after the Secretary's receipt of the written request signed by 25 residents requesting the meeting or the date of the meeting at which the call of the special meeting was approved.
- (c) At all meetings of the Town Assembly thirty-five (35) residents 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 Assembly.
- (d) Each resident attending a meeting of the Town Assembly shall have one vote on each matter brought before such meeting. The Secretary of the Town Assembly 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 Assembly and to transact all business properly brought before the meeting.
- (e) No motion to enact, amend or repeal an ordinance of the Village shall be voted upon by the Town Assembly unless submitted to the Town Assembly in writing and read at the two consecutive meetings next preceding the meeting at which such ordinance

shall be voted upon. The two meetings may be regular meetings or a special meeting called for that purpose.

- (f) A referendum, as defined in Section 3B herein, can be called for by a majority vote at a Town Assembly meeting.
- (g) The Town Assembly shall determine its own rules and order of business for its Town Assembly meeting 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.
- (h) The Town Assembly shall elect a resident to serve as Chair of the Town Assembly who shall preside at all meetings thereof. The Chair shall serve for a term of one (1) year or until their successor is duly elected by the Town Assembly in accordance with the provisions hereof. The signature, certifications or attestation of the Chair of the Town Assembly 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 of Council or like designated chief executive of an incorporated municipality of the State of Delaware.
- (i) The Town Assembly shall elect a resident to serve as Secretary of the Town Assembly for a term of one year or until their successor is duly elected by the Town Assembly 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 keep a full and complete record of all of the transactions of the Town Assembly. 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 Assembly and relative to the affairs of the Village. The secretary shall deliver the same to their successor in office. The secretary shall attest the seal of the Village when authorized by the Town Assembly 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, in the presence of the Secretary, be inspected by any resident, Trustee or leaseholder of the Village desiring legitimate information at any time or times as may be convenient. The compensation of the Secretary shall be determined by the Town Assembly.

Officials and Committees of the Town Assembly

Section 6

- (a) The Town Assembly may elect such officials, ~~including a Treasurer,~~ and such agents, committees, and commissioners of the Village which the Town Assembly 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 hereinunder. Any person so elected shall be a resident of the Village and shall serve at the pleasure of the Town Assembly.
- (b) All persons presently serving on committees of the Town Assembly shall continue

in office until their successors are duly elected.

Board of Assessors

Section 7

- (a) The Town Assembly shall elect a Board of Assessors consisting of seven (7) residents for a one-year term. The duties of the Board of Assessors shall consist of assessing the full rental value or community standard of living of leased lands in the Village. The Board shall conduct a minimum of two hearings during their deliberations. which shall be open to all residents, Trustees and leaseholders of the Village. The Board shall fix rules and regulations for the conduct of the hearings, provided that reasonable opportunity shall be afforded to all persons entitled to notice thereof to be heard at such hearings. The Board shall report its assessment rate to the regular June meeting of the Town Assembly.
- (b) The Assessors shall, before assuming office, take an oath of office before any person qualified under the Laws of the State of Delaware, to administer oaths, which oath shall be in the following form: "Ido solemnly swear (or affirm) that I will faithfully perform and discharge my duties as Assessor of Arden to the best of my ability and that I will as nearly as possible assess the full rental value for Arden lands as required by the Deed of Trust and the Leases of Arden."
- (c) The assessment rate determined by the Board for the assessment of Arden lands shall be final and conclusive, provided that any leaseholder of the Village shall have the right to appeal such determination by submitting a proposed assessment rate to the Town Assembly at its regular September meeting. In the event that such proposed rate shall receive the affirmative vote of two-thirds of the residents voting at such meeting, such proposed rate and the rate determined by the Board shall both be submitted to a general referendum of the residents of the Village. The referendum shall be conducted by the Registration Committee. The rate approved by a majority of residents shall be the rate in effect until redetermined in the manner herein provided.
- (d) The Board of Assessors shall determine the applicability of differential factors to the application of the assessment rate upon leaseholds in the Village. The Board shall afford leaseholders the opportunity to be heard upon any question arising thereunder.
- (e) It shall be the duty of the Board to keep and maintain a full and accurate record of its deliberations and proceedings, including all information and data considered in its determinations. Such record shall be open to the inspection of any Trustee, resident or leaseholder at any time or times as may be convenient. Upon the expiration of their term in office, the assessors shall deliver the same to their successors.

Budget Committee

Section 8

- (a) The Budget Committee shall consist of five (5) residents of the Village elected by the Town Assembly. The Budget Committee shall prepare a budget governing reflecting (1) the expenditure of ~~all~~ Village funds, the use and expenditure of which

are not specifically governed by Federal, State or County laws, rules and regulations; and (2) governing the expenditure of all monies derived from the collection of ground rents, the lawful use and expenditure of which are now and hereafter subject to the approval and consent of the residents of the Village.

- (b) The budget prepared by the Committee shall be reported at a regular meeting of the Town Assembly each year. The Town Assembly may modify or amend all or any portion of the budget. The proposed budget, with any amendments thereto, shall be approved by the Town Assembly and submitted to a general referendum of the residents of the Village.

Registration Committee

Section 9

- (a) The Registration Committee shall consist of: (1) five residents of the Village elected by the Town Assembly. The Senior Trustee of Arden and the Secretary of the Town Assembly. The Clerk of the Trustees shall be an ex-officio member of this committee. The Registration Committee shall register all residents of the Village as defined in Section 3 of this Act and shall keep a full and accurate record thereof which shall set forth the date each resident establishes his residence. The registration record shall be conclusive evidence of the entitlement of the persons therein listed to vote at meetings of the Town Assembly and referenda held hereunder.
- (b) The Registration Committee shall supervise all referenda and elections held hereunder and shall fix rules and regulations, not in consistent with the provision of this act, for the proper and orderly conduct thereof. The Registration Committee shall certify in writing to the Town Assembly and to the Trustees the results of all referenda held hereunder. 69 Del. Laws, c. 30

Vacancies

Section 10

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

Powers and Ordinances

Section 11

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 Assembly is hereby vested with the authority to enact ordinances and adopt resolutions relating to any subject within the powers or functions of the Village, or relating to the government of the Village, its peace and order, 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, and no provision of this Charter as to 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. Notwithstanding any statute, act or law of the State of Delaware to the contrary, the power to acquire and/or to vacate the use of lands, tenements, personalty property, easements, rights of way or any interest in property within the limits of the Village, as described in Section 2 hereof, by way of condemnation and eminent domain shall be and is vested exclusively in the Town Assembly; provided, however, that the Town Assembly may, but is not obliged to do so, consent to the exercise of any such power by an agency, commission or department of the State of Delaware for any lawful purpose.

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 Assembly, at a reasonable time or times, to compile the ordinances, policies, codes, orders and rules of the Town Assembly of the Village. The Town Assembly shall provide access to copies for the use of the officials of the Village and for public information. From time to time, upon the enactment of new ordinances, policies, codes, rules and regulations, or upon the enactment of amendments to the same, the Secretary of the Town Assembly shall enroll the same in the journal record of the Town Assembly and keep copies of the same to be provided for that purpose so that the same may be readily accessed and examined.

Enforcement, Fines and Penalties

Section 12

- (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 and imprison offenders; provided that no fine, penalty, or sentence of imprisonment in excess of the limits prescribed by State law.
- (b) No ordinance of the Village shall provide for a fine in excess of the limits prescribed by State law.
- (c) Any person convicted before such Justice of the Peace for the violation of any Village ordinance may appeal from such conviction to the Superior Court in and for New Castle County.

Police Force

Section 13

The Town Assembly may appoint a police force consisting of such person or persons as the Town Assembly may deem appropriate.

Contracts of the Town Assembly

Section 14

The Town Assembly is vested with 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. All formal contracts shall be signed by the Chair of

the Town Assembly, with the seal of the Village attached and attested by a second official of the Village.

Savings Clause

Section 15

All ordinances, resolutions and motions adopted by the Commissioners of the Village of Arden and in force at the time of the approval, acceptance and going into effect of this Act are continued in force until the same or any of them, shall be repealed, modified or altered by the Town Assembly under the provisions of this Act. All the acts and doings of the Commissioners of the Village of Arden or of any official of the Village of Arden which shall have been lawfully done or performed under the laws of this State, prior to the approval, acceptance and going into effect of this Act are hereby ratified and confirmed unless otherwise provided herein.

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.

56 **Del. Laws**, c. 125; 58 **Del. Laws**, c. 91; 69 **Del. Laws**, c. 30