

1 annexation, shall rezone the area being annexed to a zoning classification consistent with
2 the adopted comprehensive plan, and shall contain such other provisions as shall be
3 required by law.

4
5 (2) The Town Council prior to adopting an annexation ordinance shall require
6 the Planning and Zoning Commission (The Commission) to prepare a report to the Town
7 Council as soon as practicable but no later than two (2) months from the initial request.
8 The report so submitted shall include the advantages and disadvantages of the proposed
9 annexation both to the Town of Frankford and to the territory proposed to be annexed,
10 and shall contain the recommendation of the Commission whether or not to proceed with
11 the proposed annexation and the reasons therefore.

12
13 (3) In the event that the Commission concludes that the proposed annexation
14 is advantageous both to the Town and to the territory proposed to be annexed, the Town
15 Council of Frankford may then pass the ordinance annexing such territory to the Town of
16 Frankford. Such ordinance shall be adopted by the affirmative vote of all members
17 elected to the Town Council.

18
19 (4) The annexation ordinance shall not become effective until thirty-one (31)
20 days after its adoption. After thirty-one (31) days, if the annexation is not contested, a
21 copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk,
22 with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be
23 filed for recording in the Office of the Recorder of Deeds in and for Sussex County,
24 Delaware. The Failure to record the description or the plot within the specified time shall
25 not make the annexation invalid, but such annexation shall be deemed to be effective at
26 the expiration of the ninety (90) day period from the date of the adoption of the
27 Ordinance of Annexation.

28
29 (5) If the ordinance shall fail to receive the affirmative vote of a majority of
30 all members elected the Town Council, the territory proposed to be annexed shall not
31 again be considered for annexation for a period of one (1) year from the date that the
32 ordinance failed to receive the required affirmative vote.

33
34 (6) If not less than thirty-three percent (33%) of the qualified voters of the
35 Town of Frankford disagree with the decision of the Town Council, they may sign a
36 petition calling for an Annexation Referendum (Special Election). The Annexation
37 Referendum Petition shall be filed with the Town Clerk not later than thirty (30) days
38 following the adoption of the annexation ordinance by the Town Council. Within twenty
39 (20) days the Commissioners shall fix the date of the Annexation Referendum (Special
40 Election) which shall be not less than thirty (30) nor more than ninety (90) days
41 thereafter.

42
43 (7) At the Annexation Referendum, every qualified voter shall have one vote.
44 Immediately upon the closing of the polling place, the Election Board shall count the
45 ballots for and against the proposed annexation and shall announce the results thereof and
46 shall certify the votes cast for and against the proposed annexation and the number of

1 void votes, and shall deliver the same to the Town Council. Said Certificate shall be filed
2 with the papers of the Town Council.

3
4 (8) If the Certificate of the Annexation Referendum (Special Election) shall
5 declare that a majority of the voters voted against the annexation, no part of the territory
6 proposed to be annexed shall again be considered for annexation for a period of at least
7 one (1) year from the date of the Annexation Referendum (Special Election).

8
9 (9) If the Certificate of the Annexation Referendum (Special Election) shall
10 declare that a majority of the voters voted for the annexation, annexation as provided
11 therein shall become effective immediately after the certification to the Commissioners.
12 Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the
13 Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall
14 forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex
15 County, Delaware. The failure to record the description or the plot within the specified
16 time shall not make the annexation invalid, but such annexation shall be deemed to be
17 effective at the expiration of the ninety (90) day period from the date of the adoption of
18 the Ordinance of Annexation.

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20
21 B. If a more than one-half of the property owners, but not all property owners, of
22 a territory contiguous to the then existing corporate limits of the Town petition the Town
23 Council to annex that certain territory in which they own property, such petition shall be
24 in writing, duly executed and acknowledged by each petitioner; shall describe with
25 reasonable certainty the territory proposed for annexation; indicate the property owned by
26 each petitioner therein; and state the reasons for the requested annexation. The Town
27 Council may, within one hundred eighty (180) days following the filing of such petition,
28 vote to accept such petition and proceed as hereinafter provided, or to reject such petition.
29 A petition not so accepted within said one hundred eighty (180) days shall be null and
30 void. The description for the territory proposed for annexation shall include any street,
31 road or way previously conveyed, transferred or delivered to the Public or to the State,
32 County, or other local governmental authority having jurisdiction over the subject matter
33 thereof for the public use as a road or as a public right-of-way corridor that is contiguous
34 with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or
35 other waterways to the centerline thereof that are contiguous with or adjacent to the
36 territory proposed for annexation; provided however, that any such territory that is
37 included in the limits or boundary of an adjacent municipality shall not be annexed into
38 the limits and the bounds of the Town of Frankford.

39
40 If the petition is accepted, the annexation process shall be as follows:

41
42 (1) The Town Council shall introduce an ordinance proposing the annexation
43 of such territory contiguous to the Town. Such ordinance shall describe, with reasonable
44 certainty, the territory proposed to be annexed, state the reasons for the proposed
45 annexation, shall rezone the area being annexed to a zoning classification consistent with

1 the adopted comprehensive plan, and shall contain such other provisions as shall be
2 required by law.

3
4 (2) The Town Council prior to adopting an annexation ordinance shall require
5 the Planning and Zoning Commission to prepare a report to the Town Council as soon as
6 practicable but no later than two (2) months from the initial request. The report so
7 submitted shall include the advantages and disadvantages of the proposed annexation
8 both to the Town of Frankford and to the territory proposed to be annexed, and shall
9 contain the recommendation of the Commission whether or not to proceed with the
10 proposed annexation and the reasons therefore.

11
12 (3) In the event that the Commission concludes that the proposed annexation
13 is advantageous both to the Town and to the territory proposed to be annexed, the Town
14 Council of Frankford may then pass the ordinance annexing such territory to the Town of
15 Frankford. Such ordinance shall be adopted by the majority vote of all members of the
16 Town Council.

17
18 (4) The annexation ordinance shall not become effective until after the
19 Annexation Referendum (Special Election) referred to hereinafter. The Council shall at
20 the time of adoption fix the date of the Annexation Referendum which shall be not less
21 than thirty (30) nor more than ninety (90) days thereafter.

22
23 (5) At the Annexation Referendum, every qualified voter within the Town
24 limits and within the territory proposed for annexation shall have one vote. Immediately
25 upon the closing of the polling place, the Election Board shall count the ballots for and
26 against the proposed annexation and shall announce the results thereof and shall certify
27 the votes cast for and against the proposed annexation and the number of void votes, and
28 shall deliver the same to the Town Council. Said Certificate shall be filed with the papers
29 of the Town Council.

30
31 (6) If the Certificate of the Annexation Referendum (Special Election) shall
32 declare that a majority of the voters voted against the annexation, no part of the territory
33 proposed to be annexed shall again be considered for annexation for a period of at least
34 one (1) year from the date of the Annexation Referendum (Special Election).

35
36 (7) If the Certificate of the Annexation Referendum (Special Election) shall
37 declare that a majority of the voters within the Town limits and within the territory
38 proposed for annexation voted for the annexation, annexation as provided therein shall
39 become effective immediately after the certification to the Commissioners. Therefore, a
40 copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk,
41 with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be
42 filed for recording in the Office of the Recorder of Deeds in and for Sussex County,
43 Delaware. The failure to record the description or the plot within the specified time shall
44 not make the annexation invalid, but such annexation shall be deemed to be effective at
45 the expiration of the ninety (90) day period from the date of the adoption of the
46 Ordinance of Annexation.

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SYNOPSIS

10 This amendment to the Charter of Frankford establishes annexation processes for the
11 Town where (1) a petition is filed by all property owners within territory to be annexed or (2)
12 a petition is filed by more than half the property owners; and provides for annexation
13 referenda.
14