

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**RESOLUTION No. 19-1216-02**

**RESOLUTION REQUESTING THAT THE DELAWARE GENERAL ASSEMBLY  
AMEND THE CHARTER OF THE CITY OF DELAWARE CITY REGARDING THE  
POWER TO RAISE REVENUE**

**WHEREAS**, at present, the City Charter of the City of Delaware City ("City") does not expressly provide for a tax on income derived from apartments or leased premises that are not otherwise subject to City property taxes ("Rental Income Tax"); and

**WHEREAS**, a tax on income derived from apartments or leased premises located on properties that are not otherwise subject to City property taxes, which would operate similarly to an accommodation tax, which numerous towns and cities currently charge on rental properties; and

**WHEREAS**, the Mayor and Council of the City have determined that Article VI, Section 6-06 of the City Charter should be amended to expressly provide for the authority to impose a tax on income derived from apartment and other leased premises that are not otherwise subject to City property taxes; and

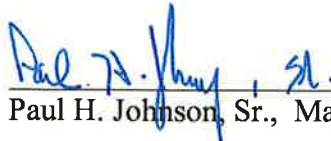
**WHEREAS**, the Mayor and Council believe that it is in the best interest of the City and its citizens if Article VI (Finances and Indebtedness), Section 6-06 (Power to Raise Revenue) of the Charter be amended to add a new subsection H, which shall read as follows:

H. The Mayor and Council shall have the right to impose a tax on rents or lease payments from apartments and other leased premises that are not subject to City property taxes of no more than three (3) percent of the income, in addition to any amount imposed by law, which is located within the boundaries of the City of Delaware City.

**WHEREAS**, a draft underlining the proposed revisions to the existing Charter is attached hereto as Exhibit A and a clean copy of the proposed revision to the Charter is attached hereto as Exhibit B;

**NOW, THEREFORE,** the Mayor and Council of the City of Delaware City hereby resolve and request that the General Assembly of the State of Delaware adopt the revised Charter attached hereto as Exhibit B forthwith and further resolve that adoption of the revised Charter is in the best interests of the City and its citizens.

This Resolution is passed by the Mayor and Council of the City of Delaware City on this 16<sup>th</sup> day of December, 2019.


  
Paul H. Johnson, Sr., Mayor

  
Elizabeth Konkus, Councilmember

  
Chase E. Renoll, Councilmember

  
Britney Loveland, Secretary

  
John P. Buchheit, III, Councilmember

  
Robert Malinowski, Councilmember

  
Margaret C. Titus Councilmember

## EXHIBIT A

### Sec. 6-06. Power to Raise Revenue.

A. The Mayor and Council shall have the power to keep reserves and levy and collect taxes on real property within the City, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than 2% of the assessed valuation of the assessable and taxable real estate within the City in any year clear of all delinquencies and expenses of collection; provided, however, in addition thereto, the Mayor and Council shall have the power to levy the taxes necessary to service the bonded indebtedness of the City.

B. The Mayor and Council shall have the right to grant or refuse, and to charge fees for licenses or permits for traveling shows and other businesses of any description within the City and to control their use of any property within the City. The Mayor and Council shall have the power to levy and collect franchise fees.

C. The Mayor and Council shall have the power to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

D. The Mayor and Council shall have the power to fix the rates for utilities operated by the City and to collect and utilize revenues from such utilities for the benefit of the City.

E. The Mayor and Council shall have the right to levy and collect taxes upon all gas mains, water lines and telephone, telegraph power poles or other erections of like character erected within the limits of the City of Delaware City, together with the wires, cables and appliances thereto or thereon attached, as well as such wires, cables and appliances which may be 30 installed underground, and to this end may, at any time, direct the same to be included in or added to the City assessment. In case the owner or lessee of such poles or erections and such wires, cables and appliances shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected as in the case of other taxes.

F. The Mayor and Council shall have the right to impose a lodging tax of no more than three (3) percent of the rent, in addition to the amount imposed by the

State, for any room or rooms in a hotel, motel or tourist home, as defined in §6101 of Title 30, which is located within the boundaries of the City of Delaware City.

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## **EXHIBIT B**

### Sec. 6-06. Power to Raise Revenue.

A. The Mayor and Council shall have the power to keep reserves and levy and collect taxes on real property within the City, except that which is not assessable and taxable by virtue of any law of the State of Delaware, which shall not be more than 2% of the assessed valuation of the assessable and taxable real estate within the City in any year clear of all delinquencies and expenses of collection; provided, however, in addition thereto, the Mayor and Council shall have the power to levy the taxes necessary to service the bonded indebtedness of the City.

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