

CODE OF THE TOWN OF LAUREL

COUNTY OF SUSSEX
STATE OF DELAWARE

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**OFFICIALS
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TOWN OF
LAUREL**

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2002

Mayor
GARRET PUSEY

Town Council
ANN DAVIS, President
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RICHARD BANKS
PHILLIP C. CALIO
ROBIN FISHER
KEVIN TAAFFE

Town Solicitor
JAMES F. WAEHLER, ESQ.

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Mayor

TERRY L. WHALEY

Town Council

CAROLE E. McCREA, President

RICHARD BANKS

E. STEPHEN CALLAWAY

JEFFREY W. HILL

CINDY N. MATTHEWS

GARRET T. PUSEY

ELVA B. WALLER

Town Manager

BONNIE S. WALLS

Town Solicitor

JAMES F. WAEHLER, ESQ.

HISTORY OF LAUREL

In the absence of clearly defined boundaries, adjacent portions of what is now Delaware were presumed to be part of the grant given in 1632 to Charles Calvert, the first Lord Baltimore, by Charles I. Therefore, it is not surprising to learn that the first white settlers in what is now southwestern Sussex County, Delaware, came from the Colony of Maryland which had its capital at St. Mary's on the western shore of the Chesapeake Bay.

The first settlers in the area comprising and surrounding present-day Laurel came by way of the Chesapeake Bay and the Nanticoke River to the headwaters of the latter river and its Broad Creek tributary. This movement, incidentally, was encouraged by the Calverts by the giving of grants of land in the area in return for various services.

In 1680, one William Green received a grant of 2,500 acres lying between the present-day road to Mt. Zion Church and Broad Creek, and 3 years later James Wyth and Marmaduke Master were given a large tract on the south side of Broad Creek; this latter grant was subsequently known as Batchelor's Delight.

Needing power to grind their grains, the settlers began to build dams across ravines, thereby creating many of the ponds with which the area today abounds.

The Indians, who had long hunted and fished in the area, were gradually pushed out until, in 1711, the Colony of Maryland passed an act empowering George Gale, Samuel Worthington and Charles Whittington to lay out 3,000 acres along Broad Creek for an Indian reservation. Apparently not willing to be confined, the Indians continued to move northward with the result that, in 1768, a Board of Commissioners was appointed to sell the land and compensate the Indians for it.

At this sale most of the land where Laurel now stands was bought by Barkley Townsend. In 1802 the present town was plotted on Townsend's property. There were 3 streets running approximately east and west named Front, Market and Back. Streets running approximately north and south were Rye, Wheat, Corn and Lumber. Front Street, the oldest street, follows an old Indian trail that passed over the creek. There were 32 building lots in the town at that time and 25 of these were improved by houses.

Laurel was incorporated as a town by an act of the Delaware Legislature on April 13, 1883.

By 1885, the town was considered to be the wealthiest in the state. There were 2,500 inhabitants living here. The business area consisted of 11 general stores, 7 grocery stores, 5 millinery, 3 clothing, 3 drug, 2 furniture, 1 stave factory, 1 carriage factory, 1 sawmill, 2 blacksmith shops, 2 wheelwright shops, 2 butcher shops, 2 shoe shops, 3 barber shops and 2 hotels. There were 5 physicians and 1 dentist. Three churches served the spiritual needs of the citizens.

In the early morning of June 24, 1899, a lighted kerosene lamp was overturned in a stairway near the corner of Central Avenue and Market Street, and soon several buildings were ablaze. As the town was without fire-fighting apparatus of any kind, bucket brigades were formed. However, in spite of the heroic efforts of the citizens to contain the fire, the entire section of the north side of Market Street was soon ablaze, as the flames leaped from building to building. A call was put through to Wilmington, 90 miles to the north, and in record time, a train reached Laurel with fire apparatus aboard on a flat car. Even with this help, the fire leveled the town's business section and adjacent residential areas. In an effort to prevent such a disastrous fire from threatening again, the Laurel Volunteer Fire Department was organized on October 25, 1899.

The next few years were spent in rebuilding the town, and during the first and second World Wars the town prospered and continued to grow. However, the building lots within the town limits became more and more scarce and as the migration to the areas surrounding the town continued, they grew in leaps and bounds, and now citizens for miles around call Laurel "their town."

Prior to 1883, Laurel was governed by a Board of Commissioners consisting of 3 members, 1 from each ward. Sometime later, the area called "North Laurel" was incorporated into the town and the Commission was expanded to 4 members. In 1917 a new Charter was approved and 3 Councilmen-at-Large were added to the governing body.

All laws governing the town are provided for in ordinances enacted by a two-thirds vote and the approval of the Mayor. The Mayor has no vote in Council but possesses veto power.

PREFACE

The Town of Laurel has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Council ordered the following codification of the town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Council of the Town of Laurel, including revisions or

amendments to existing legislation deemed necessary by the Town Council in the course of the codification.

Division of Code

The Code is divided into two major divisions. The first division includes the Charter of the town. The second division includes all legislation of a general and permanent nature as Parts I and II. Part I, Administrative Legislation, contains all town legislation of an administrative nature, such as that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of Article or Part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several Articles or Parts are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number

of that chapter followed by the numerals “01.” Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing Parts or Articles derived from more than one item of legislation, the source of each Part or Article is indicated in the History. Amendments to the individual sections or subsections are indicated by histories where appropriate in the text.

Codification Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to “Ch. 1, General Provisions,” where the legislation adopting this Code and making such revisions will appear before final enactment. Sections amended or revised are indicated in the text by means of Editor’s Notes referring to the chapter cited above.

General Reference; Editor’s Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader’s attention to such related chapters. Editor’s Notes are

used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that the Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 45-5 and 45-6 should be designated §§ 45-5.1). New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled “Vehicles, Abandoned” under “V” in the table of contents, and a new enactment on coin-operated amusement devices should be “Amusement Devices” or “Amusement Devices, Coin-Operated” under “A” in the table of contents). Where a reserved number is not available, an “A” chapter should be used (e.g., a new chapter to be included between Chapters 45 and 46 should be designated Chapter 45A). New Articles may be inserted between existing Articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of “A” Articles (e.g., a new Article to be included between Articles XVI and XVII should be designated Article XVIIA). The section numbers would be as

indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Laurel reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civil planning. It is the profound conviction of the General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

