

## **THE CODE**

# **PART I**

## **ADMINISTRATIVE LEGISLATION**

GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

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Adoption of Code

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**[HISTORY: Adopted by the Town Council of the Town of Laurel as indicated in article histories. Amendments noted where applicable.]**

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§ 1-1 § 1-4

ARTICLE I  
**Adoption of Code**  
[Adopted 6-3-1996 as Ord. No. 1000]

Be it hereby ordained by the Town Council of the Town of Laurel as follows:

**§ 1-1. Adoption of Code.**

The ordinances of the Town of Laurel, County of Sussex, State of Delaware, of a general and permanent nature, adopted by the Town Council of the Town of Laurel, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 175, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Town of Laurel, hereinafter known and referred to as the "Code."

**§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Council of the Town of Laurel, and it is the intention of said Council that each such provision contained within the Code is hereby reaffirmed as it appears in the Code.

**§ 1-3. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Manager of the Town of Laurel and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Manager of the Town of Laurel by impressing thereon the Seal of the Town, and such certified copy shall remain on file in the office of said Town Manager to be made available to persons desiring to examine the same during all times when said Code is in effect.

**§ 1-4. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code or any new ordinances, when enacted or adopted in such form as to indicate the intention of the Town Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code

shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

**§ 1-5. Code book to be kept up-to-date.**

It shall be the duty of the Town Manager or such other authorized person to keep up-to-date the certified copy of the book containing the Code of the Town of Laurel required to be filed in the office of the Town Manager for use by the public. All changes in said Code and all ordinances adopted by the Town Council subsequent to the enactment of this ordinance in such form as to indicate the intention of said Council to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-6. Severability.**

- A. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part thereof.
- B. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts

thereof.

**§ 1-7. Repeal of enactments not included in Code.**

All ordinances of a general and permanent nature of the Town of Laurel in force on the date of the adoption of this ordinance and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance.

**§ 1-8. Repeal of enactments not included in Code.**

The repeal of ordinances provided for in § 1-7 of this ordinance shall not affect the following classes of ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Laurel prior to the effective date of this ordinance or any

action or proceeding brought for the enforcement of such right or liability.

- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Town of Laurel or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Town of Laurel.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Laurel.
- E. Any ordinance of the Town of Laurel providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the town of Laurel or any portion thereof.
- F. Any ordinance of the Town of Laurel appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Laurel or other instruments or evidence of the town's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful

contract or obligation.

- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any legislation relating to salaries.
- K. Any ordinance amending the Zoning Map.
- L. Any legislation adopted subsequent to February 5, 1996.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

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§ 1-8 § 1-12

- N. Any ordinances relating to subdivision of land.
- O. Any ordinances relating to zoning.

**§ 1-9. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances of the Town of Laurel for adoption and revision as part of the Code, certain grammatical and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally adopted to read as such.
  
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)<sup>1</sup>

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<sup>1</sup> Editor's Note: In accordance with § 1-9B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments or additions will be replaced with the following wording: "amended (added) 6-3-1996 by Ord. No. 1000." A complete description of all changes is on file in the town offices.





### **§1-15. Town obligations which must be current.**

Applicants for Town approvals, permits, licenses and/or the use, receipt or provision of Town services shall be current on all of the following obligations to the Town prior to receiving such approvals:

- (1) Property taxes.
- (2) Capitation taxes.
- (3) Water and/or sewer connection, front footage and/or usage charges.
- (4) Application fees.
- (5) Permit fees, including building permits, building code and inspection fees.
- (6) Interest, penalties, court costs and/or attorneys' fees if applicable to a default in any of the above-listed obligations.

### **§1-16. Issuance of Town approvals dependent upon payment of Town obligations.**

The Directors and Officers of Town departments and offices shall refuse to accept applications and grant permits and/or approvals for the use, receipt or provision of Town services, including but not limited to, building permits, building code plan reviews and/or inspections, subdivisions, rezonings, conditional uses, variances and/or special exceptions until the owner and/or applicant has demonstrated that all Town obligations identified in §1-15 above have been paid current pertaining to lands and property owned, or debts owed, by the individual requesting the permit, approval or Town services. If the party requesting Town approval is current on some, but not all obligations owed to the Town, the approval, permit, license and/or Town service being applied for shall be denied until such time as all Town obligations are current and such party is in compliance with any Town directives or orders outstanding.

### **§1-17 Procedure.**

- A.** All Town employees who are responsible for taking applications and/or granting approvals and/or permits and/or providing the Town services identified in §1-15 shall make all reasonable efforts to determine that none of the Town obligations identified in §1-15 are unpaid and/or that the owner or other person requesting the approval, permit or service is not in violation of any monetary or compliance obligation owed to the Town.
- B.** Parcel owners who have taxes or any other obligations owed to the Town must have written approval from the Director of Finance indicating full payment of all taxes, assessments, fees or obligations that are in arrears before any application for a building permit, building code approval, subdivision, rezoning, conditional use, variance, special exception or Town services can be accepted or approved by the Town department or office to which application has been made.
- C.** If any noncomplying or incomplete payments, actions or filings are determined to exist, then the Town office or official shall, in writing, deny the license, application or other form

of approval requested until all existing requirements for payment, actions or filings have been fully complied with or completed, clearly identifying in the written denial, the payment, action or filing required to be completed or complied with. Failure by the appropriate department or Town office to issue such written denial within ten (10) working days from the receipt of an application shall enable the applicant to receive the permit or other approval for which application was made.

**§1-18. Appeals.**

Any applicant for a permit or other form of Town approval who receives the aforesaid written denial of a permit or other form of approval by a Town department or office may appeal that denial to the Town Manager within 20 calendar days of such denial. The Town Manager, or his or her designee, shall thereafter hold a hearing at which said applicant shall be permitted to provide proof that such payment has been made or that a required action or filing has been properly carried out or otherwise show that such denial is based on incorrect information or is not appropriate as to that applicant.



**Chapter 4****ALDERMAN****§ 4-1. Powers.****§ 4-2. Civil contempt.****§ 4-3. Court Security Fee.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 3-120-1995 as Ord. No. 205. Amendments noted where applicable.]**

**§ 4-1. Powers. (Amended 3-2-09)**

Any Alderman of the Town of Laurel shall have the power to punish by a fine of not more than one hundred dollars (\$100.00), plus costs, to include a ~~fifteen dollar~~ **{twenty dollars}** issuance fee for a bench warrant, or by imprisonment of not more than thirty (30) days, or both, any violation of, or resistance to, any lawful writ, process, order or rule entered or issued by an Alderman of the Town of Laurel.

**§ 4-2. Civil contempt.**

Any violation or resistance to the lawful writ, process, order or rule of an Alderman shall be punished as a civil contempt only, and any person imprisoned for such violation or resistance shall be released from such imprisonment upon satisfying an Alderman that he or she is in compliance with said writ, process, order or rule, or that he or she is prepared to promptly enter into compliance.

**§ 4-3. Court Security Fee. (added 7-19-10)**

The Town of Laurel Alderman Court No. 35 shall assess as part of court costs a supplemental court security assessment not to exceed \$10.00 on each criminal, traffic or delinquency charge for which there is a conviction or finding of delinquency or a voluntary assessment paid.

Court Security Assessment Funding shall be deposited in a Court Security Fund to be maintained separately from the General Fund of the Town of Laurel and distributed pursuant to an approved court security needs plan. This fund shall provide supplemental funding for personnel, equipment and/or training expenses related to judicial branch security. Three years following the

enactment of the court security assessment and subsequently at intervals of three years or more thereafter, the Mayor and Council may by Resolution, increase the court security assessment by an amount not to exceed the increase in the consumer price index since the last increase in the court security assessment. For the purpose of this ordinance, the consumer price index shall mean the consumer price index for all urban consumers for the Pennsylvania, New Jersey, Delaware and Maryland area officially reported by the United States Department of Labor.

The court security fund shall be supplemental to other court funding and shall not reduce current ongoing budgetary and personnel allocations for judicial branch security services.

## Chapter 8

### APPEARANCE TICKETS

**§ 8-1. Appearance in answer to a summons.**

**§ 8-2. Violations and penalties.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 6-17-1991 as Ord. No. 304, Amendments noted where applicable.]**

**§ 8-1. Appearance in answer to a summons.**

It shall be unlawful for any person to fail to appear in answer to a summons for a misdemeanor; provided, however, that a peace officer may arrest a person for a misdemeanor if he has reasonable cause to believe that he will not appear in answer to a summons.

**§ 8-2. Violations and penalties.**

Any person who violates the provisions of § 8-1 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be fined not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), or imprisoned for not more than thirty (30) days, or both, and shall pay the costs of prosecution.

**Chapter 12**

**CODE OF CONDUCT**

- § 12-1. Short title; applicability; statement of policy.**
- § 12-2. Definitions.**
- § 12-3. Standards of conduct for officials and employees.**
- § 12-4. Exceptions.**
- § 12-5. Contracting with town.**
- § 12-6. Violations and penalties.**

**[HISTORY: Adopted by the Town Council of the Town of Laurel 2-1-1993 by Ord. No. 364, Amendments noted where applicable.]**

**§ 12-1. Short title; applicability; statement of policy.**

- A. This chapter shall be known as “The Town of Laurel Code of Conduct.”
- B. This chapter shall be applicable to all elected and appointed officials and to all employees of the Town of Laurel.
- C. It is the purpose of this chapter to ensure the propriety and the preservation of public confidence in the officials and employees of the Town of Laurel and to establish ethical standards for those officials and employees which will protect the integrity of the government of the Town of Laurel.

**§ 12-2. Definitions.**

For the purposes of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:

CLOSE RELATIVE - A person’s parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.

COMPENSATION - Any money, thing of value or any other economic benefit of any kind or nature whatsoever conferred on or received by any official or employee of the town in return for any service rendered or to be rendered by the official or employee or by another.

EMPLOYEE - Includes all employees of the Town of Laurel.

FINANCIAL INTEREST - An interest in a private enterprise which a person has if:

- A. He or she has a legal or equitable ownership interest in the enterprise of at least 1% or more in the case of a corporation whose stock is regularly traded on an established securities market or he or she has a legal or equitable ownership interest in an enterprise other than that of a corporation whose stock is not regularly traded on an established securities market of at least 10%;
- B. He or she is an employee, officer, partner, director, manager, trustee of an enterprise and receives from that enterprise during the immediate preceding calendar year or might reasonably expect to receive from the enterprise during the current or next calendar year income in excess of \$5,000 for services as a manager, employee, agent, partner, member, director or officer of such private enterprise; or
- C. He or she is a creditor of a private enterprise in an amount equal to at least 1% of the total debt in the case of a corporation whose securities are regularly traded on an established securities market or of at least 10% of the total debt of an enterprise whose securities are not regularly traded on an established securities market.

KICKBACK - Any payment, gratuity or benefit paid or to be made on behalf of any bidder, contractor, perspective contractor, subcontractor, prospective subcontractor or any person associated with any of them to any official or employee as an inducement or reward for the employment of a contract, subcontract, order or favor.

MATTER - Any application, petition, request, business dealing, contract, subcontract or any other transaction of any sort with the Town of Laurel.

OFFICIAL - Any elected or appointed official of the Town of Laurel and all members of any committee or commission appointed by the Mayor of the Town of Laurel or appointed by the Town Council.

OFFICIAL RESPONSIBILITY - Any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates, to



approve, disapprove, recommend or otherwise direct action on behalf of the Town of Laurel.

**PERSON** - Any individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them.

**PERSONAL OR PRIVATE INTEREST** - An interest in a matter which intends to repair the independent judgment of an official or employee in the performance of his duties with respect to that matter.

**PRIVATE ENTERPRISE** - Any activity conducted by any person, whether conducted for profit or not for profit, and includes the ownership of real and personal property. "Private enterprise" may include the activities of the state or any other political subdivision of the state or any agency, authority or instrumentality thereof.

### **§ 12-3. Standards of conduct for officials and employees.**

The following standards of conduct shall be applicable to all officials, whether elected or appointed, and all employees of the town:

- A. No official or employee shall participate on behalf of the town in the review or disposition of any matter pending before the town or before a committee or commission thereof in which he has a personal or private interest; provided, however, that the prohibition set forth herein shall not apply if the person who has official responsibility with respect to the matter requests any person who has a personal or private interest to respond to questions concerning any such matter.
- B. No official or employee shall use his position to secure special privileges or exemptions for himself or others, whether for compensation, gratuity or without any compensation or gratuity.
- C. No official or employee shall solicit, demand, accept or agree to accept from another person anything of a pecuniary value for or because of any official action taken or to be taken or which could be taken or any legal duty, to be performed or which could be performed by such official or employee.
- D. No official or employee shall, beyond the scope of such position, and except in furtherance of his or her public duties and obligations, disclose confidential

information obtained by reason of such public position, nor shall such official or employee use such information for personal gain or benefit. **[Added 10-4-1999]**

- E.** No official or employee shall act, while performing his or her official duties or job functions, or on town property, in a violent, turbulent, quarrelsome, boisterous, indecent or disorderly manner, or use profane, vulgar or obscene language or gestures, or do anything tending to disturb the good order, morals, peace and dignity of the Town Council or the proper functioning of the town's employees. **[Added 10-4-1999]**
- F.** No official or employee shall represent to a third party that the Town Council has taken a position, or adopted a policy, concerning a matter of issue when it has not done so, or misrepresent a position or policy that has previously been adopted by the Town Council **[Added 10-4-1999]**

#### **§ 12-4. Exceptions.**

In any case where a person has a statutory responsibility with respect to action or nonaction on any matter in which he may have a personal or private interest and there is not provision for the delegation of such responsibility to another person nor is there any provision for the designation of another person to take action or to refrain from taking action, the person may exercise responsibility with respect to such matter, provided that he promptly, after becoming aware of such personal or private interest, files a written statement with the Town Council fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

#### **§ 12-5. Contracting with town.**

- A.** The town shall not make or enter into any contract in excess of \$500 for materials, supplies, work or labor for the benefit and use of the town with any official or employee of the town or with any partnership in which any official or employee is a general partner or in any corporation in which any official or employee is a director or controlling stockholder or with any firm or company in which any official or employee is pecuniarily interested unless all the elected members of the Town Council, other than the interested official or employee, vote to execute such contract. Any such contract executed without such unanimous vote and consent shall be absolutely null and void.
- B.** Any person being awarded a contract with the town in excess of \$5,000 shall execute such documents as may be required by the town and shall represent that no person has been retained to solicit or secure the contract with the town upon an agreement

or understanding for a commission, percentage, brokerage or contingent fee, excepting for bona fide employees, bona fide established, commercial agencies maintained by the person representing the contracting party for the purpose of securing business.

**§ 12-6. Violations and penalties. [Amended 6-3-1996 by Ord. No. 1000]**

In addition to any other penalty set forth herein, any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be fined not less than \$50 nor more than \$500 or be imprisoned for a term of not more than 30 days, or both, and shall pay the costs of prosecution.

## Chapter 14

### COMPREHENSIVE PLAN

#### § 14-1. Plan adopted.

**[HISTORY: Adopted by the Town Council of the Town of Laurel 10-4-2004 by Ord. No. 2004-14. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Floodplain management – See Ch. 80.  
Subdivision of land – See Ch. 145.  
Zoning – See Ch. 175.

#### § 14-1. Plan adopted.

The 2004 Greater Laurel Comprehensive Plan is hereby adopted and made effective as the Comprehensive Plan for Laurel on this fourth day of October, 2004

## Chapter 18

### EMERGENCY PREPAREDNESS

§ 18-1. Powers of Mayor.

§ 18-2. Violations and penalties.

**[HISTORY: Adopted by the Town Council of the Town of Laurel 5-24-1968 as Ord. No. 359. Amendments noted where applicable.]**

§ 18-1. Powers of Mayor.

The Mayor of the Town of Laurel be and he is hereby authorized and directed to put into effect any or all of the following emergency measures if incidents occur which endanger the peace and order of the Town of Laurel or the danger of damage or destruction to either public or private property:

- A. Establish a curfew in any area or all of the Town of Laurel for all persons pursuant to which no person shall be on the streets of the Town of Laurel between the hours set forth in said curfew.
- B. Employ such policemen to protect the citizens of the Town of Laurel and both the public and private property.
- C. Restrict travel, both vehicular and pedestrian, in areas which are or may become the subject of such, incidents as endanger the well-being, health or safety of the citizens of the Town of Laurel.
- D. Request such assistance and aid from agencies of the State of Delaware as is necessary to protect the health and safety of the citizens of the Town of Laurel or public or private property.
- E. Prohibit the sales of alcoholic beverages either for consumption on or off the premises where they are sold.
- F. Prohibit the gathering of more than ten (10) persons on any public street, public park or open area, either public or private.

**§ 18-2. Violations and penalties**

Any person violating any of the provisions of this chapter after any such provision has been put into effect by the Mayor of the Town of Laurel shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars (\$500) or may be imprisoned for a period of not more than thirty (30) days, or both, and shall pay the costs of prosecution.

## Chapter 25

### PARK AND RECREATION COMMISSION

- § 25-1. Commission established.
- § 25-2. Membership; terms of office.
- § 25-3. Ex officio members.
- § 25-4. Compensation of members; filling of vacancies.
- § 25-5. Election of Chairman and Secretary.
- § 25-6. Quorum required for transaction of business.
- § 25-7. Expenditure report.

**[HISTORY: Adopted by the Town Council of the Town of Laurel 12-1-1975 by Ord. No. 256. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Parks and recreation areas - see Ch. 98.

#### § 25-1. Commission established.

There is hereby established in and for the Town of Laurel, a Park and Recreation Commission to be known as the “Laurel Park and Recreation Commission.”

#### § 25-2. Membership; terms of office. [Amended 8-4-1997]

The Town of Laurel Park and Recreation Commission shall consist of five members to be appointed by the Mayor, subject to confirmation by a majority of the elected members of the Town Council for a term of three years; provided, however, that the terms of the members of the Laurel Park and Recreation Commission first appointed pursuant to this chapter shall expire as follows:

- A. Two members appointed for a term of three years.
- B. Two members appointed for a term of two years.
- C. One member appointed for a term of one year.

**§ 25-3. Ex officio members.**

The Mayor and the Budget Chairman of the Town Council shall be ex officio members of the Laurel Park and Recreation Commission. The Mayor may, at his discretion, designate another member of Council as an ex officio member of the Laurel Park and Recreation Commission. All ex officio members may exercise all the powers of the regular appointed members of the Commission, except that no ex officio member shall have or hold office nor be permitted or allowed to vote in any proceedings before the Commission.

**§ 25-4. Compensation of members; filling of vacancies.**

All members of the Laurel Park and Recreation Commission shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. Any vacancy which occurs other than by expiration of term shall be filled for the unexpired term by the Mayor, subject to approval of a majority of the elected members of the Town Council.<sup>1</sup>

**§ 25-5. Election of Chairman and Secretary.**

The Laurel Park and Recreation Commission shall elect annually a Chairman and a Secretary from among its own members and may employ such other clerks and employees as may be approved by the Mayor and Council of Laurel.

**§ 25-6. Quorum required for transaction of business.**

A quorum of the Commission for the transaction of business shall consist of a majority of the members who have been, from time to time, appointed to serve on the Commission, and who have not resigned or otherwise formally terminated their relationship to the Commission.

**§ 25-7. Expenditure report.**

A report of any and all expenditures made by the Park and Recreation Commission shall be submitted monthly to the Mayor and Council.

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<sup>1</sup>Editor's Note: Former Sections 5 and 6, regarding acquisition of land under certain statutory provisions, which immediately followed this section, were deleted 6-3-1996 by Ord. No. 1000.