



*The City of Harrington*  
*150<sup>th</sup> Anniversary Celebration*

*Saturday, March 23, 2019*



## The City of Harrington

An Act to incorporate the Town of Harrington  
Section 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two thirds of each branch of the Legislature concurring) that William S. Canfield, Thomas H. Dorman, William Shaw, James H. Hickory and Martin B. Harrington, are hereby appointed Commissioners whose duty it shall be with the assistance of some skilful Surveyor to be by them chosen to survey and lay down on a plot the town of Harrington in Kent County establishing its limits and marking and describing its streets, alleys, lanes and sidewalks, and shall when all the service is performed return the plot under their hands to the Recorder's office at Dover to be recorded and the original and the record or certified copy thereof shall be evidence; all the Commissioners must act but the decision of a majority shall govern. They and the Surveyor before entering on the duties under this section shall take an oath or affirmation to discharge them with fidelity; and the aforesaid return shall show that this qualification was complied with.

Town of Harrington, 1869 Incorporation Document

In the 1780s, Benjamin Clark established a tavern where the road from Milford intersected with the road from Frederica. A community grew at this location, called Clarke's Corner. When the north-south line of the Delaware Railroad was being laid out in 1856, this stagecoach stop became a junction stop on the railroad. The area continued to grow and in 1861, a post office was established. The Town was given the name Harrington in honor of Samuel M. Harrington, Chancellor of the Delaware Railroad.

The Town of Harrington was first incorporated in 1869, four year after the railroad line was laid. In forming and establishing the limits of the Town, the point of beginning was a point in the center of the main track of the Delaware Railroad opposite the southwest corner of the water tank. This was the center point of the square which was described in the Incorporating Act as the limits of the Town of Harrington. The government of the Town was to be vested in five Commissioners who were to elect one of their members as President and one as Secretary. The Commissioners were to meet quarterly. The Town officials that were to be elected by voters included an Alderman, an Assessor, a Treasurer, and a Tax Collector. A Bailiff was to be appointed by the Commissioners. The duties of the Town's officials were described in detail. The Commissioners were required to oversee the opening and maintenance of roads, to establish sidewalks and gutters, to provide sanitary measures for the health of the Town's citizens, to establish public pumps, to remove all obstructions and nuisances, and to prevent bonfires and the firing of guns. In fulfilling their responsibility to keep the peace, the Commissioners were authorized build and maintain a jail. The Town was to levy taxes on all those who owned real estate as well as all white males over 21. They could also tax dog owners at fifty cents per dog. The maximum amount of taxes to be levied



annually was \$500. The Levy Court of Kent County was to assist in maintaining the roads by annually providing an allotment of \$100.<sup>1</sup>

Over the following 38 years, the 1869 Incorporating Act was amended several times. The first amendment took place ten years after the initial incorporation of the Town. It extended the limits of the Town on the west so that they aligned with the western side of West Street.<sup>2</sup> In 1883, the section in the Incorporating Act which described the Town's boundary was revised so as to include the portion of land added in 1879, but at the same time the Town was also extended in all directions so that the corporate boundary remained a square. In the same law, the Kent County Levy Court increased its annual allotment for road maintenance from \$100 to \$200, and the Town was restricted from taxing those who owned farm land within the Town's boundary unless the land was laid out into building lots.<sup>3</sup> The last section of this amendment was further clarified in 1885 to indicate that livestock on the farm land was not to be taxed.<sup>4</sup> In 1895, the Town's maximum amount of taxation annually was increased to \$700.<sup>5</sup> It was increased again in 1895, to \$1,000. Another clarification was made as to tax exemptions with all unimproved land/lots of over six acres being exempted.<sup>6</sup> In 1905, the maximum amount of taxes to be levied in Harrington was increased to \$1,600 annually.<sup>7</sup>



The Town of Harrington was re-incorporated in 1907. The description of the limits of the Town indicated that there had been no change in the Town's boundary since 1883. There was a change in the manner in which the Town was to be governed. There were still to be five elected Commissioners; however, the Town was now divided into five districts with one Commissioner representing each specified district. The Commissioner must reside in the district they represented and would serve a one-year term. Voters could be either male or female but must be over 21 and not delinquent in paying their Town assessment. The way in which the Commissioners met and organized remained unchanged. The existing Town officials remained but two auditors and a Board of Health were added. This Incorporating Act greatly expanded on the duties and responsibilities of the Commissioners as related to laying out and maintaining roads, sidewalks and gutters. The Commissioners were also given additional powers among which were contracting for the lighting of the streets and licensing of events, businesses, and telephone, telegraph and electric poles. The maximum annual taxation amount was not changed from what had been approved in 1905; however, the Act did provide tax relief for a manufacturing business in its first ten years of operation.<sup>8</sup>

Harrington's Incorporating Act was amended a number of times following its re-incorporation in 1907. The first amendment in 1909 changed the term of office for the Commissioners. They were now to serve two-year, staggered terms.<sup>9</sup> Two year later, the amount of taxes to be levied was increased to not more than \$2,500 annually. This was the first of five increases that took place over the following two decades.<sup>10</sup> In 1917, the maximum amount of annual taxation was increased again to \$4,000. In addition, agricultural lands within the limits of the Town were to be taxed at an amount not exceeding the value of the buildings.<sup>11</sup> Two years later, the maximum annual taxation amount was increased a third time to \$5,000.<sup>12</sup> In 1923, a third increase to the maximum annual taxation amount to \$10,000 was approved, and the taxing of lots over six acres which were unimproved was prohibited.<sup>13</sup> [The 1929 Incorporating Act would further

clarify that the untaxed land must not have been sub-divided and offered for sale as building lots.] In 1925, the amount of compensation provide for the Commissioner's Secretary was increased.<sup>14</sup> In two laws approved in 1927, the Town's maximum annual taxation amount was increased for the fifth time to \$15,000; the procedures for opening new streets were revised; and changes to the Town's assessment process were made.<sup>15</sup> In 1929, the year of the Town's re-incorporation, a piece of legislation authorized the Town of Harrington, if they received referendum approval, to borrow \$135,000 with which to construct a sewer system.<sup>16</sup>



Harrington Rail Road Station, 1907

Harrington was incorporated for the third time in 1929. In addition to revising the Incorporating Act to include all of the amendments which had been approved, additional changes in the structure of the government were made. In the 1929 Incorporating Act, the Commissioners were now Councilmen, and the Council member chosen by them to be President of the Town Council was called the Mayor, and the Secretary of the Council was no longer required to be a Council member. The other Town Officials remained the same, and all those previously elected by ballot, remained so. The Town Council was to now meet monthly to consider Town business. The Mayor was to establish three commissions to assist the Town Council: a Building Commission, a Water Commission and a Sewer Commission. The powers, duties and responsibilities of the Town Council which were contained in the 1907 Incorporating Act were carried over. In addition, they were empowered to enact zoning ordinances for the prevention and regulation of fires and to enact building ordinances. Taxes were to be levied on real property, personal property and persons according to the assessment then in force. Having just revised the assessment process in 1927, these new procedures were among the amendments that were included in the Act. There was also no change in the maximum annual taxation amount which had been increased in the same year.<sup>17</sup> In 1931, in the only amendment made to the 1929 Incorporating Act, revisions were mad to both the election and assessment processes.<sup>18</sup>

In 1935, just six years after its prior re-incorporation, an Act called *An Act Changing the Name of 'The Town of Harrington' to 'The City of Harrington,' and Establishing a Charter Therefor* was passed. The corporate boundaries did not change, but the City was now to be divided into six wards (districts) instead of five. Governmental powers were now conferred on a City Council consisting of six members each residing in one of the wards. Council members would serve terms of three years and the Mayor, who was elected separately, would serve for two years. Those who elected the Council members were to be over 21, have resided in the ward which the Council member represented for six months and be current in paying their assessment. The Mayor was elected at large; he was to preside over the Council meetings but had no vote except to break a tie-vote among the Council members. At their annual meeting the Council was to appoint a City Manager, Secretary, Treasurer, Alderman/Acting Alderman, Auditors, Board of Health, City Solicitor, Board of Assessors, and Police Chief. The City Manager handled the administrative duties of the City and was required to become a resident of Harrington before taking office. The duties of the various City officials were outlined. The powers of the City included the power to condemn land, to



"Main Business Street," Harrington, Delaware - Undated

control the sewer system, to grant franchises and licenses, and to establish a Tree Commission who would preserve the City's ornamental trees. A general assessment was to be carried out every four years; all real property and all personal property subject to County taxation was to be assessed. The exemption from taxation for farm lands not laid out into building lots was retained. The maximum amount of taxation annually was not to exceed \$20,000 for general expenses plus an amount needed to pay the yearly interest on any outstanding bonds and an amount sufficient to fund a sinking fund to repay

the principal when due. The Council was also given the power to borrow money and issue bonds as long as the total indebtedness did not exceed 15% of the value of the real property within the City and to float \$2,500 in debt without bonds annually to pay current expenses.<sup>19</sup>

A number of amendments to this Charter were made over the next 48 years. The first took place in 1949. At this time the position of Alderman was eliminated. In addition, the maximum amount of taxation was increased to \$40,000 annually, and the amount of allowable annual floating debt increased to \$10,000.<sup>20</sup> In 1953, the annual amount of floating debt was increased again to \$25,000.<sup>21</sup> In 1959, the time of day when the election would be held was revised.<sup>22</sup> The floating debt was increased again in 1963, from \$25,000 to \$50,000.<sup>23</sup> In 1972, the maximum amount of taxes to be levied annually was increased to \$100,000.<sup>24</sup> In 1976, the Charter was amended to allow charging a fee for garbage collection.<sup>25</sup> In 1979, Harrington borrowed \$40,000 from the Farmer's Home Administration with which to purchase and renovate the building at 27 Clark Street for use as the City Hall.<sup>26</sup> In 1981, the annual floating debt was increased to \$250,000 for a period of eighteen months after which time it was to decrease to \$100,000.<sup>27</sup> In 1982, the restriction that the City Manager must reside in Harrington was lifted.<sup>28</sup>

The City of Harrington was re-incorporated again in 1983. The Town limits were defined quite differently from the previous Charter, beginning at a point along US Route 13 rather than one in the middle to the railroad tracks. This Charter was also much more specific as to the metes and bounds of the corporate boundary. This Charter also gave Harrington the right to expand its corporate boundaries through annexation of contiguous land as long as they received voter approval of this action. The structure of government did not change although now the six wards are called election districts. All those over 18 were now eligible to elect the Mayor and Council while the Council appointed the various City officials. The City Manager, Harrington's chief administrative official, was to be appointed for an indefinite term, but served at the pleasure of the Council. The duties of the Police Force were discussed with one member of the City Council to be appointed Police Commissioner acting as a liaison between the Police and the Council. In addition to the powers that the Council possessed previously, the Charter provided the Council with the power to operate a water system [power to operate a sewer system was provided for previously]. The Council could regulate parking and could create a City Planning Commission and a City Library Commission. General assessments were to be conducted every tenth year, and exemptions from taxation for senior citizens on a limited income were allowed. The exemption for farm land was eliminated, but one was granted to manufacturing and business establishments for a period of up to ten years. The



maximum amount of taxes levied annually was not to exceed 10% of the assessed value of real property plus the amount needed to repay any outstanding municipal bonds. The maximum amount of annual floating debt was set at \$100,000; the amount of bonded indebtedness did not change.<sup>29</sup>

The 1983 Charter was amended six times over the next decade. The first, in 1984, clarified that a majority vote by those present at a Council meeting was all that was needed to pass an ordinance, and that those Council members present who abstained must state their reasons for doing so.<sup>30</sup> In 1985, a number of technical corrections were made to the Charter including stating that the Alderman position was not required.<sup>31</sup> In 1986, the Charter was amended to state that contracts of up to \$20,000 did not require competitive bidding. In another law, the section of the Charter on the Police Department was revised and placed under the control of the City Manager<sup>32</sup>, but two years later, organization and control of the Police Department was given to the City Council subject to the direction of the Mayor. In the same year, the City's election process was revised to meet state law.<sup>33</sup> In 1989, Harrington was authorized to charge a transfer tax on real estate transactions.<sup>34</sup> In 1991, Harrington's maximum indebtedness without referendum was increased to \$500,000.<sup>35</sup>

The next re-incorporation of the City took place in 1993. After specifying the corporate limits and the method of annexation, this Charter enumerated forty-eight specific powers of the City. These were the same powers that were contained in earlier Charters but also some additional ones. The structure of the government did not change; however, the City Council was given the authority to establish additional election districts or to change the boundaries of or re-apportion the existing districts. In addition, the Mayor was authorized to act on behalf of the City,

without prior Council approval, in the case of emergencies. The City Manager was required to be a resident of the State of Delaware, but need not be a resident of the City of Harrington. He/she was charged with supervising the administration of the affairs of the City including the Police Department. This Charter acknowledges that the Alderman position is eliminated and changes the Secretary position to be a Clerk of the Council. The maximum annual amount of taxes to be levied is not specified; it is tied to budget needs. The maximum short term indebtedness remained at \$500,000. Bonded indebtedness was to be only for certain purposes as specified in the Charter with an upper limit set at 15% of the total assessed value of real estate. New provisions were added to the Charter related to planning, subdivision and land development.<sup>36</sup>

A number of amendments to the 1993 Charter were passed. In 1997, the City Manager was given the duties and responsibilities of the Treasurer.<sup>37</sup> Technical corrections to the Charter were made the following year. Among the changes was the elimination of the six-month residency requirement to be qualified to vote.<sup>38</sup> In 2001, in light of the fact that the fiscal year had been changed to begin in July, the date of the election was changed from November to May and the annual meeting of the Council was to be in June.<sup>39</sup>



In 2004, a law made fifty-one changes to the Charter, many of these one word changes. The more significant of these changes eliminated term limits for those seeking the office of Mayor or member of Council; increased each term for a Mayor from two years to four; created a new City official called a Finance Manager and assigned to this position the duties that the City Manager position had taken on when the Treasurer's position was eliminated; changed the City Manager position to an Operation Manager; added a conflict of interest procedure for the Mayor and Council; and increased to \$50,000 contracts which did not require competitive bidding.<sup>40</sup> Amendments in 2008 reversed some of the earlier changes. The position of Treasurer was re-established and the Finance Manager position eliminated. The title City Manager was also re-established.<sup>41</sup>

The City of Harrington was re-incorporated again in 2011, and amendments made since 1993 added. The positions of City Treasurer and City Manager had been re-instituted through the amendment process. The structure and powers of the government remained unchanged. The Charter indicated that unless the City Council made their own independent assessment, Harrington would accept Kent County's valuation of assessment. The Charter provided that taxation for Harrington would include the monies needed for certain fixed charges such as those related to repaying bonds. The maximum amount allowed for short term borrowing without voter approval and bonded borrowing with voter approval was not changed.<sup>42</sup>

In 2013, amendments were made to the section of the Charter on borrowing money. Short term borrowing without voter consent was changed from \$500,000 to 5% of the assessed value of Harrington's taxable real estate with re-payment to take place in ten years. A new category, bonded long-term borrowing without voter approval, was added to Harrington's borrowing powers. This was set at 3.5% of Harrington's taxable real estate with a re-payment period of thirty years. No changes were made to long-term borrowing which required voter approval.<sup>43</sup> In 2017, amendments to the Charter provided that if bonds were being re-financed, voter approval would not be required. The same law re-established the number of consecutive terms which the Mayor or Council members could serve. For the Mayor, the maximum consecutive terms is two terms and for the Council, three terms.<sup>44</sup>

For the fully amended text of the current Charter, see <http://www.charters.delaware.gov/harrington.shtml>

#### CITATIONS in *Del. Laws*

<sup>1</sup> 13 *Del. Laws*, c. 480 (1869) [pp. 514-23]

<sup>2</sup> 16 *Del. Laws*, c. 109 (1879) [p. 161]

<sup>3</sup> 17 *Del. Laws*, c. 181 (1883) [p. 362]

<sup>4</sup> 17 *Del. Laws*, c. 576 (1885) [p. 850]

<sup>5</sup> 20 *Del. Laws*, c. 203 (1895) [p. 269]

<sup>6</sup> 22 *Del. Laws*, c. 180 (1901) [pp. 370-71]

<sup>7</sup> 23 *Del. Laws*, c. 178 (1905) [p. 306]

<sup>8</sup> 24 *Del. Laws*, c. 209 (1907) [pp. 488-506]

<sup>9</sup> 25 *Del. Laws*, c. 193 (1909) [p. 374]

<sup>10</sup> 26 *Del. Laws*, c. 230 (1911) [p. 529]

<sup>11</sup> 29 *Del. Laws*, c. 146 (1917) [pp. 452-53]

<sup>12</sup> 30 *Del. Laws*, c. 139 (1919) [p. 317]

<sup>13</sup> 33 *Del. Laws*, c. 139 (1923) [pp. 401-2]

<sup>14</sup> 34 *Del. Laws*, c. 135 (1925) [p. 345]

<sup>15</sup> 35 *Del. Laws*, c. 108 and c. 109 (1927) [pp. 326-29 and pp. 330-35]

<sup>16</sup> 36 *Del. Laws*, c. 162 (1929) [pp. 484-507]

<sup>17</sup> 36 *Del. Laws*, c. 194 (1929) [pp. 630-55]

<sup>18</sup> 37 *Del. Laws*, c. 158 (1931) [pp. 546-54]

<sup>19</sup> 40 *Del. Laws*, c. 167 (1935) [pp. 603-40]

<sup>20</sup> 47 *Del. Laws*, c. 100 (1949) [pp. 155-56]

<sup>21</sup> 49 *Del. Laws*, c. 222 (1953) [p. 421]

<sup>22</sup> 52 *Del. Laws*, c. 76 (1954) [p. 234]

<sup>23</sup> 54 *Del. Laws*, c. 136 (1963) [p. 409]

<sup>24</sup> 58 *Del. Laws*, c. 466 (1972) [p. 1400]

<sup>25</sup> 60 *Del. Laws*, c. 320 (1976) [p. 962]

<sup>26</sup> 62 *Del. Laws*, c. 58 (1979) [p. 72]

<sup>27</sup> 63 *Del. Laws*, c. 14 (1981) [p. 27]

<sup>28</sup> 63 *Del. Laws*, c. 347 (1982) [p. 738]

<sup>29</sup> 64 *Del. Laws*, c. 215 (1983) [pp. 526-45]

<sup>30</sup> 64 *Del. Laws*, c. 308 (1984) [p. 692]

<sup>31</sup> 65 *Del. Laws*, c. 20 (1985) [p. 19]

<sup>32</sup> 65 *Del. Laws*, c. 405 (1986) [p. 819]

<sup>33</sup> 66 *Del. Laws*, c. 227 (1988) [p. 467]

<sup>34</sup> 67 *Del. Laws*, c. 37 (1989) [p. 44]

<sup>35</sup> 68 *Del. Laws*, c. 60 (1991) [p. 133]

<sup>36</sup> 69 *Del. Laws*, c. 115 (1993) [pp. 251-89]

<sup>37</sup> 71 *Del. Laws*, c. 24 (1997) [p. 41]

<sup>38</sup> 71 *Del. Laws*, c. 279 (1998) [p. 724]

<sup>39</sup> 73 *Del. Laws*, c. 145 (2001) [p. 378]

<sup>40</sup> 74 *Del. Laws*, c. 302 (2004) [pp. 649-52]

<sup>41</sup> 76 *Del. Laws*, c. 184 (2008) [vol. I, pp. 1-2]

<sup>42</sup> 78 *Del. Laws*, c. 69 (2011)

<http://delcode.delaware.gov/sessionlaws/ga146/chp069.shtml> ]

<sup>43</sup> 79 *Del. Laws*, c. 103 (2013)

<http://delcode.delaware.gov/sessionlaws/ga147/chp103.shtml> ]

<sup>44</sup> 81 *Del. Laws*, c. 33 (2017)

<http://delcode.delaware.gov/sessionlaws/ga149/chp033.shtml> ]

*Delaware Laws* from 1935 to present can be found online at:

<http://delcode.delaware.gov/sessionlaws/>

#### RECORDS at the Delaware Public Archives

City of Harrington records at the Delaware Public Archives include:

- Charter (1869) 6060-000-001
- Minutes of the Commissioners/Town and City Council (1915-1995) 6060-000-002