

CHAPTER 108
FORMERLY
HOUSE BILL NO. 159

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWARK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 405 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

405 - - THE CITY MAY ENGAGE IN BUSINESS.

The city shall have the right to engage in any business or enterprise in which a person, ~~firm~~ firm, or corporation might engage by virtue of a franchise, and shall have the right and power to acquire, ~~own~~ own, and maintain, within or without the corporate limits of the city, all real estate for municipal purposes, for sites and rights-of-ways for public utility and general welfare purposes, and for the location, ~~erection~~ erection, and maintenance thereon of municipal utility plants and public facilities.

The city shall have the right to acquire the properties and rights of utility companies, and further shall have, if it wishes to so exercise, the exclusive right to provide water, ~~sewer~~ sewer, and electrical utility service within the corporate limits of the city as they presently exist or shall in the future be extended by annexation; provided, however, that in acquiring such utility properties, whether by purchase, ~~condemnation~~ condemnation, or other means, the city shall, in all respects, adhere to the general laws of the State of Delaware; and provided further that nothing in this section shall authorize the acquisition by the city of any through electric transmission lines.

The city shall also have the right to provide sanitary sewer service to properties outside of the corporate limits of the city if the sanitary sewer service is requested by the property owner, approved by New Castle County, and approved by the City of Newark.

The city may, in its discretion, distribute water throughout all that territory included within ~~ten (10)~~ 10 miles of the city limits. The council shall determine the person or persons, firm or firms, corporation or corporations, to which the city shall distribute water throughout said territory; shall fix the rates therefor, shall regulate the use of said water, and shall supply the same upon such terms and conditions as may be agreed upon by the council and said person or persons, firm or firms, corporation or corporations. The city shall have and exercise all the powers and authority necessary to the accomplishment of said distribution of water throughout said territory as it now has and possesses in the installation, ~~operation~~ operation, and maintenance of its water system in the city and in the distribution by it of water within the city limits, including the authority and power to acquire by purchase or condemnation such land, and real and personal property as may be necessary therefor.

Approved July 17, 2019