

CHAPTER 110
FORMERLY
SENATE BILL NO. 183

AN ACT TO AMEND THE CHARTER OF THE MUNICIPAL SERVICE COMMISSION OF THE CITY OF NEW CASTLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 3. Commission Authority; Water, Light and Additional Systems

(a) The Commission shall have control of the water and electric light supply in the City of New Castle, and the management and operation of the City water system, the City light system, and any other Additional Systems approved by City Council and operated by the Commission, which shall be entirely under its exclusive control, direction, and supervision.

(i) The Commission, in addition to the power and authority which it now has to supply and distribute water within the corporate limits of the City of New Castle, may, in its discretion, supply and distribute water throughout all of that territory included within three miles of the corporate limits of said City.

(ii) The Commission shall determine the person or persons, firm or firms, corporation or corporations, to which it shall supply and distribute water throughout said territory included within three miles of the boundary of said corporate limits; 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 such person or persons, firm or firms, corporation or corporations, and the Commission.

(iii) The Commission shall have and exercise all the power and authority necessary to the accomplishment of said supplying and distributing of water throughout the territory included within three miles of the boundary of said corporate limits as it now has and exercises in the installation, operation and maintenance of its systems for supplying and distributing water in the City of New Castle.

(iv) Whenever the Commission shall deem it necessary or expedient to obtain private property either within the limits of the City of New Castle for the purpose of constructing facilities for supplying and distributing water and/or electricity or without such limits to a distance not exceeding three miles for the purpose of constructing facilities for the supplying and distributing of water, the Commission shall advise the Council of New Castle, in writing, of the location, description and estimated fair value for which such property is deemed necessary or expedient, and upon such approval by resolution of the Council of the City of New Castle, which approval shall not be unreasonably withheld, the said ~~Council~~ Commission shall be empowered to acquire such property by agreement with the owner thereof or if such agreement cannot be reached, the said property or land may be acquired by condemnation proceedings as prescribed and fully set forth in Section 25 of an Act entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" being Chapter 216 of Volume 27, Laws of Delaware, and all Acts amendatory thereof and supplemental thereto for condemning and taking land for the purpose of laying out, opening, extending or widening of any street, road, lane or alley in the City of New Castle.

Approved July 17, 2019