

CHAPTER 151
FORMERLY
HOUSE BILL NO. 139

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO USE BY NEW CASTLE COUNTY OF THE MONITION METHOD OF SALE FOR THE COLLECTION OF DELINQUENT TAXES FOR THE COLLECTION OF DELINQUENT SEWER SERVICE CHARGES.

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

Section 1. Amend § 2211, Title 9 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2211 Lien of service charges on real estate.

(a) In the event that any service charge is not paid as and when due, the unpaid balance thereof and any penalties accrued thereon shall be a lien on the parcel of real property with regard to which the service charge was made. The lien shall be superior and paramount to the penalties in such parcel of any owner, lessee, tenant, mortgagee or other person, except the lien of taxes.

(b) If any service charges remain unpaid ~~at the end of 1 year~~ after the due date, ~~or any charges in an amount greater than \$250 remain unpaid at the end of 60 days after the due date,~~ the ~~County Council~~ chief financial officer, in his or her discretion, may ~~cause to be brought proper~~ institute a proceedings for the enforcement of the lien ~~and levy the service charges as an assessment~~ with penalties thereon accrued, and all costs thereon, ~~upon the grounds and buildings with regard to which the service charges were made~~ under the method for collecting delinquent taxes established under Chapter 87 of this title. Such grounds and buildings, or any part thereof, may be sold by the Sheriff of the county as is provided by law.

(c) The Sheriff shall, out of the purchase money of the premises so sold, pay all costs arising from the process and sale to the parties entitled thereto respectively, and shall pay the amount of the service charge with accrued penalties thereon to the ~~County Council~~ Office of Finance. ~~The~~ Any residue of ~~the~~ purchase money shall be ~~immediately deposited to the credit of the owner or owners of record of the property so sold in a depository bank having been designated by New Castle County by the Sheriff in accordance with applicable rules and procedures of the Superior Court.~~

Section 2. Amend Chapter 22 (Sewers), Subchapter II (Monition Method of Sale in New Castle County), Title 9 of the Delaware Code by deleting Subchapter II in its entirety.

Approved July 23, 2019