

CHAPTER 240  
FORMERLY  
HOUSE BILL NO. 129

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO SNOW REMOVAL.

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

Section 1. Amend § 521, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 521. Snow removal in nonmunicipal residential communities.

(a) For purposes of this section:

(1) "Department" shall mean the Department of Transportation.

(2) "Organization" shall mean a civic association, neighborhood alliance, homeowners maintenance corporation, homeowners maintenance association or other similar entity charged with or assuming the duties of maintaining the public areas, open space or common facilities within a residential development or community not within the boundaries of a municipality.

(3) "Snow event" shall mean any snow event whose accumulation within the relevant maintenance district is equal to or greater than 2 and less than 4 inches for the cost of plowing the feeder road leading to the school, as determined by the Department.

~~(3)~~ (4) "Snowstorm" shall mean a snowstorm event whose accumulation within the relevant maintenance district is equal to or greater than 4 inches, as determined by the Department.

~~(4)~~ (5) "Streets" shall mean those streets within a residential development or community which have been accepted for perpetual maintenance by the Department.

(6) "Feeder Road" shall mean a road that serves more than a single residential development or community as a primary entry way. These roads may serve: 1) two or more different residential developments or communities; or 2) a residential development or community and either a school, church, business or other public building.

(b) An organization created pursuant to New Castle County ordinance or regulation shall have the authority to contract for snow removal services and include the cost of such snow removal services in assessments made by such organization to property owners of the residential development or community. Such charges or fees shall be considered assessments for the maintenance of open space and common facilities for collection and lien purposes.

(c) An organization may contract for snow removal services for snowstorms impacting the streets within its development or community and be partially reimbursed for the costs of such services, subject to the following conditions:

(1) The reimbursement shall be in an amount not to exceed 75% of the actual contracted cost of said services, but in any event, shall not exceed 75% of an annual cost analysis determination made by the Department in its implementing regulations under subsection (c) of this section. The regulatory cost determination shall include, but not be limited to, the Department's cost of purchasing similar services under its own contracts.

(2) The organization's contracts with contractors providing these services must include provisions for proof of insurance and compliance with all relevant state license requirements, including, but not limited to, the provisions of Chapter 21 of Title 30.

(3) The selection of contractors for services shall not be subject to Chapter 69 of Title 29.

(4) To obtain economies of scale, an organization may enter into written agreements with other organizations to obtain joint snow removal contracts for purposes of this section.

(d) An organization with a school located in its development or community may seek reimbursement for any snow event for the cost of plowing the feeder road leading to the school, as prescribed in the Department regulations and subject to the conditions provided in paragraphs (c)(1) through (c)(4) of this section.

~~(4)~~ (e) The Department shall be responsible for the implementation and administration of this section through the adoption and publication of rules, regulations and/or procedures deemed necessary for these purposes.

Section 2. This bill shall become effective upon the date of enactment.

Approved May 19, 2016