

LAWS OF DELAWARE
VOLUME 83
CHAPTER 457
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 286

AN ACT TO AMEND TITLE 9 AND TITLE 17 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY NEIGHBORHOOD IMPROVEMENT DISTRICTS.

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

Section 1. Amend Title 9 of the Delaware Code by creating a new Chapter 35 and by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 35. New Castle County Neighborhood Improvement Districts.

§ 3501. Short title.

This Act shall be known as the “New Castle County Neighborhood Improvement District Act.”

§ 3502. Legislative findings.

The General Assembly finds and declares that:

(a) Marshaling New Castle County resources in a concerted manner under “one roof” to focus on persistent neighborhood problems, as contemplated by this Act, increases the possibility of successfully resolving systemic neighborhood problems.

(b) Preserving and improving neighborhoods is critical to the long-term well-being of the State of Delaware and to New Castle County.

(c) The provision of enhanced services, including for example, district-wide sanitation and snow removal, within New Castle County’s neighborhoods would result in greater neighborhood stability and improved quality of life.

(d) Numerous jurisdictions around the world and the United States, including Philadelphia, Baltimore, Buffalo, and Allentown, among many others, have successfully implemented and been the beneficiaries of such enhanced services through the creation of neighborhood improvement districts.

(e) The enhanced services and related programs provided within a neighborhood improvement district are funded by property owners within each district, who are the primary beneficiaries thereof, which reduces additional demands on the strained public treasury.

(f) It is in the best interests of the State, County, and its residents to create, where feasible and desired by the property owners and residents in each district, assessment-based neighborhood improvement districts to promote more attractive and healthier neighborhoods.

(g) The County should be given broad discretion in establishing by ordinance the type of assessment-based enhanced services and programs that are most consistent with neighborhood needs, goals, and objectives as determined and expressed by property owners and residents in the district.

§ 3503. Definitions.

The following words and phrases when used in this Chapter shall have the meanings provided herein:

(1) “Benefited property” means a non-exempt specially assessed property located within a neighborhood improvement district that benefits from enhanced services and related programs based on a rational nexus test. Properties need not benefit equally to be considered to have benefited.

(2) “Cost of services” includes consulting fees, professional fees, preliminary planning expenditures, feasibility study expenditures, financing costs, administrative costs, and any other expenditures necessary or incidental to the development or provision of enhanced services and related programs.

(3) “District advisory council” means an optional advisory committee comprised of property owners and residents from the neighborhood improvement district that may be established under § 3507 of this title for the purpose of providing recommendations to the neighborhood improvement district management association regarding needed enhanced services within the district.

(4) “Enhanced services” means additional or increased services aimed at improving the ability of property owners and residents to enjoy a safer and healthier neighborhood due to the provision of expanded services, which include services such as district-wide street cleaning, district-wide snow removal, district-wide trash removal, and maintenance of open space.

(5) “Neighborhood” means a limited geographic area situated within an unincorporated area of New Castle County and located in a residential district, the limits of which form the neighborhood improvement district boundaries, as identified on a filed record plan.

(6) “Neighborhood improvement district” means a neighborhood, as identified on a filed record plan, in which a special assessment is levied on designated property, other than exempt property, for the purpose of promoting the general health and welfare of the district, hereinafter referred to as a “NID.”

(7) “Neighborhood improvement district management association” means the corporate body that oversees the management of each neighborhood improvement district established pursuant to § 3506 of this title, which hereinafter shall be referred to as a “NIDMA.”

(8) “Neighborhood improvement district plan” means the strategic plan for enhanced neighborhood services and related programs required under § 3505 of this title, hereinafter referred to as a “NIDP,” to be provided within the district pursuant to the plan implemented and administered by the NIDMA.

(9) “Rational nexus” means that there is a rational, definable benefit that accrues to any non-exempt property owner assessed a special assessment fee for said benefit in a NID created under this chapter.

(10) “Residential district” means, for purposes of this chapter, a limited geographical area comprised of real property consisting predominantly of buildings and structures for housing individuals and families, including single-family detached homes, single-family semi-detached homes, townhouses, condominiums, apartments, manufactured homes, modular homes, and any combination of the above.

(11) “Service area” means the area within the boundaries of the NID in which the NIDMA provides or administers enhanced services.

(12) “Special assessment” or “special assessment fee” means the fee assessed on non-exempt properties

within a NID levied by the County for purposes of providing enhanced services in a district under § 3508 of this title.

(13) “Sunset provision” means a provision in the NIDP which, under § 3505 of this title, provides for the dissolution of the NID, unless re-enacted by County Council, on a date up to 5 years from commencement as identified in the approved Final NIDP and in the County ordinance establishing a NID. The NID may be continued beyond such initial date, provided the County adopts an ordinance extending the lifespan of the NID, following a review by County Council of the NID and the enhanced services provided therein.

§ 3504. Powers of New Castle County.

New Castle County shall have the power to:

(a) Establish within the County certain areas designated as a NID.

(b) Designate a nonprofit corporation, created for the purposes of this chapter, as the NIDMA with the certain powers established under this chapter.

(c) Through the County Office of Finance, administer on behalf of or in conjunction with the NIDMA, and in accordance with any specific provisions contained in the County ordinance establishing the NID, all appropriations and expenditures as determined by the NIDMA, which may include federal, state, and County funds received by the County Office of Finance on behalf of the NIDMA, as necessary, including to prepare or have prepared preliminary research, planning, and feasibility studies to determine needed enhanced services and related programs in the NID, including services such as graffiti removal, district-wide sanitation needs, and snow removal. The provision of enhanced services is to supplement, not replace, the existing level of services provided within the NID.

(d) Review proposed appropriations and expenditures of funds within the NID by or on behalf of the NIDMA, and provide recommendations related thereto.

(e) Advance funds to a NIDMA as may be necessary to carry out the purposes of this Act.

(f) Levy a special assessment on non-exempt properties located within the NID necessary to fund enhanced services within the NID.

(g) Collect a special assessment on behalf of the NIDMA levied on designated properties within the NID and to employ necessary legal methods to ensure collection of the special assessment.

(h) Impose and file liens on property for nonpayment of the special assessment.

(i) Include an initial sunset provision of up to 5 years in the County ordinance creating the NID and in the agreement between the County and the NIDMA.

§ 3505. Creation of a neighborhood improvement district.

(a) Establishment.

(1) Property owners and residents in a proposed NID, or the County, may petition to establish a NID, subject to all requirements under this chapter.

(2) Where property owners or residents desire to establish a NID, or the County initiates such action, which occurs by way of a proposed ordinance sponsored by the District Council Member, a petition in a form established by the County must be submitted pursuant to the procedures provided for in this

chapter. The proposed ordinance must identify criteria that support creation of a NID.

(3) The submission of a petition to establish a NID creates no obligation on the County to move forward with any of the procedures outlined in this chapter.

(b) Specific procedures.

(1) The County shall provide to all property owners and lessees thereof located in the proposed NID a copy of the preliminary plan (the “Preliminary NIDP”) and the location, date, and time of the public hearing at least 30 calendar days prior to the hearing required under this chapter. In addition, notice of the public hearing must be advertised at least 10 business days prior to the hearing in a newspaper of general circulation in the County.

(2) The hearing is for the purpose of receiving public comment on the Preliminary NIDP from property owners and residents within the proposed NID.

(3) Objections, if any, to the Preliminary NIDP may be submitted by non-exempt specially assessed property owners within the proposed NID. In order to defeat the proposed NIDP, at least 50% of the specially assessed property owners must timely lodge an objection in the manner required under this chapter. All objections must be in writing, notarized, and be submitted to the general manager of the Department of Community Services or designee thereof by hand delivery or electronic mail by the 45th calendar day following the public hearing under this subsection. A scan or photocopy of a notarized document is valid.

(c) Contents of the Preliminary NIDP.

The Preliminary NIDP must include all of the following:

(1) A map indicating the boundaries of the proposed NID, as identified on the filed record plan. A designated property may not be included in more than one NID unless expressly authorized by ordinance of County Council.

(2) A written report from the County containing:

a. The name of the proposed NID.

b. A detailed description of the service area of the proposed NID.

c. A list of all properties to be specially assessed.

d. A list and brief description of proposed enhanced services and the estimated annual cost of the services.

e. A proposed budget for the first fiscal year, including proposed expenditures for enhanced services and related programs, which includes associated costs of services such as personnel, administration, maintenance, and operational costs.

f. The revenue sources for funding the proposed enhanced services and programs.

g. The estimated time for implementation of the proposed services and programs.

h. A brief statement identifying the NIDMA.

i. A general description of the powers and duties of the NIDMA.

j. The method of determining the special assessment fee to be levied on non-exempt properties within the NID under § 3508 of this title.

(3) The Preliminary NIDP must:

a. Identify the respective duties and responsibilities of the NIDMA and the County in relation to the NID.

b. Require that a written agreement be entered into between the NIDMA and the County.

c. Require in the agreement between the NIDMA and the County, and in the ordinance creating the NID, that the County must provide no less than the level of County services provided within the NID as before creation of the NID.

d. Provide in the agreement between the County and the NIDMA, and in the ordinance creating the NID, a sunset provision of up to 5 years, subject to extension thereafter by County Council following review of the NID and related enhanced services as provided for in § 3510 of this title.

e. Require in the agreement between the County and the NIDMA and in the ordinance creating the NID that the County is responsible for collection of a special assessment levied within the NID.

f. Allow for and encourage any owners of exempt property in the NID to provide in-kind services or a financial contribution to the NIDMA in lieu of a special assessment fee.

g. Require that in order to defeat establishment of the proposed NID, at least 50% of the specially assessed property owners in the NID must lodge a written, notarized objection to the proposed NID. Such objection must be delivered to the general manager of the Department of Community Services or designee thereof via hand delivery or electronic mail no later than 45 calendar days following the hearing in which the County Council considers the Preliminary NIDP under subsection (b) of this section.

(d) The Proposed Final NIDP.

Subsequent to the hearing on the Preliminary NIDP, unless the requisite number of objections to the Preliminary NIDP identified in subsection (b) of this section, has been timely submitted, the County shall provide a proposed final NIDP (the “Proposed Final NIDP”) to all property owners and lessees thereof located within the proposed NID that reflects all revisions to the Preliminary NIDP based on comments from specially assessed property owners and residents submitted at or within 45 calendar days following the public hearing. All revisions to the Preliminary NIDP reflected in the Proposed Final NIDP are to be identified in an easily discernible manner, such as changes being in boldfaced or italicized type.

(e) Public hearing - Proposed Final NIDP.

Subject to the timely lodging of the requisite number of objections referenced in subsection (b) of this section, a public hearing to consider the Proposed Final NIDP must be held by the County. Notice of the hearing, including date, time, and place, and the means to lodge an objection, must be provided at least 30 calendar days prior to the hearing to all property owners and lessees thereof located in the proposed NID and must be advertised at least 10 business days prior to the hearing in a newspaper of general circulation in the County.

(f) Veto of the Proposed Final NIDP.

(1) Following the public hearing required under subsection (e) of this section, specially assessed property owners located within a proposed NID have 45 calendar days from the date of the hearing to object to the Proposed Final NIDP.

(2) If at least 50% of specially assessed property owners within a proposed NID fail to timely lodge an objection to the Proposed Final NIDP, the County Council may, following the 45 day period, consider an ordinance to establish a NID, or in the case of an amendment to a previously approved Final NIDP, adopt any amendments consistent with subsection (g) of this section.

(3) After the deadline has passed for objections under this section without the requisite number of objections having been lodged that would defeat the establishment of the NID, the County Council may proceed to consider the Proposed Final NIDP.

(g) Amendments to an approved Final NIDP.

(1) A previously approved NIDP (a "Final NIDP"), upon the recommendation of the NIDMA board, may be amended at any time after establishment of the NID. At least 51% of non-exempt specially assessed property owners within the NID must approve the proposed amendment by lodging an approval in writing with the general manager of the Department of Community Services or designee thereof via hand delivery or electronic mail no later than 45 calendar following the public hearing required under this subsection.

(2) Amendments to a Final NIDP may include any of the following:

- a. Substantially changed enhanced services or programs to be provided in the NID.
- b. Increase in expenditures of at least 25% of the total NIDMA budget for the fiscal year.
- c. Changing the special assessment fee levied on properties in the NID.
- d. Changing the legal entity that administers enhanced services within the NID.
- e. Changing the NID boundaries.
- f. Other substantial changes to the Final NIDP as determined by County Council.

(3) The County shall provide a copy of the proposed amendments to all property owners and lessees thereof located within the proposed NID as well as notice of the hearing on the proposed amendments specifying the date, time, and place of the hearing, and the means to lodge an approval. All amendments are to be identified in an easily discernible manner, such as changes being in boldfaced or italicized type. Such notice must be provided at least 30 days prior to the hearing.

(4) The County shall provide public notice of the hearing on any proposed amendment to a Final NIDP by publication of a notice in at least one newspaper having a general circulation in the County, specifying the date, time, and place of the hearing, the means to lodge an approval, and the amendments to be considered. The notice must be published at least 10 business days prior to the hearing.

(5) Upon receiving the requisite number of votes under paragraph (g)(1) of this section, the County Council may proceed to consider the proposed amendments to the Final NIDP.

(6) Prior to any hearing to consider proposed amendments to increase the boundaries of a NID, each owner of property and lessees thereof proposed to be added to a NID must be notified of the date, time, and location of the public hearing on the proposed amendments and must be provided all information identified under subsections (c) and (d) of this section.

§ 3506. Creation of the neighborhood improvement district management association.

(a) Association designated.

When the County approves a NID under this chapter, a NIDMA must be designated by the County to administer the enhanced services within the NID.

(b) Administration.

(1) Each NID must be administered by a NIDMA.

(2) A NIDMA must be incorporated as a nonprofit corporation in this state.

(c) Powers.

A NIDMA created under this chapter has all the powers provided for in § 3507 upon the effective date of the County ordinance creating the NID.

(d) Board.

Each NIDMA must have an administrative board.

(1) The board must be comprised of either 3 or 5 voting members and at least 1 non-voting member representing the County.

(2) Each NIDMA board must include a representative of the specially assessed property owners located in the NID as one of the voting members of the board.

(3) Board members of a NIDMA are not required to be residents of the NID.

§ 3507. Powers of the neighborhood improvement district management association.

(a) General Powers. Subject to available funding, and as provided for in this chapter and the agreement between the County and the NIDMA, a NIDMA has, in addition to any other powers provided pursuant to the charter establishing the nonprofit corporation, the power to:

(1) Sue or be sued, implead or be impleaded, complain, and defend in all courts.

(2) Employ necessary staff or contract for the provision of same.

(3) Prepare planning or feasibility studies or contract for the preparation thereof to assess enhanced services within the NID.

(4) Provide for enhanced services and related programs within the NID.

(5) Contract for the provision of enhanced services within the NID.

(6) Determine the appropriation and expenditure of NID funds, which may include federal, state, and County funds received by the Office of Finance on behalf of the NIDMA; provided that the funds must be administered by the Office of Finance on behalf of, and as directed by, the NIDMA and in accordance with any specific provisions contained in this chapter and the agreement between the County and the NIDMA. Such funds are to be used in connection with cost of services and to provide for enhanced

services within the NID, including, district-wide snow removal, district-wide trash removal, and maintenance of open space.

(7) Solicit in-kind services or financial contributions from any owners of exempt property located within the NID in lieu of special assessment fees. This may include entering into voluntary agreements between the NIDMA and any owners of exempt property for the provision of same.

(8) Designate an optional district advisory committee, to be referred to as the District Advisory Council (“DAC”), for each NID. Each DAC must consist of an odd number of members, between 5 and 9, who are representative of the neighborhood’s character, including age, gender, and cultural diversity, and must include at least 2 non-exempt specially assessed property owners.

(9) Obtain or apply for funds from any source for which the NID may be eligible, including grants and government programs. Any funds obtained from a source other than special assessments of non-exempt property owners must be used to offset the obligations of the non-exempt property owners in the NID.

(10) Engage in any action or advocacy in furtherance of the purposes of this chapter.

§ 3508. Special assessments and liens.

(a) Special assessments.

(1) The ordinance by County Council approving a Final NIDP establishes a special assessment on all non-exempt benefited properties within the NID.

(2) County Council has the authority to exempt property within the NID from any special assessment.

(3) Special assessments must be apportioned in a manner that is equitable.

(4) All property subject to a special assessment must benefit directly or indirectly from the enhanced services or related programs provided within the NID under the Final NIDP, but all properties do not need to benefit equally.

(5) Revenue from any special assessment imposed under a Final NIDP must be accounted for by the Office of Finance and utilized by the NIDMA to provide enhanced services and related programs within the NID as set forth in the Final NIDP.

(6) All special assessments authorized under this chapter are calculated using July 1 as the first day of the fiscal year.

(7) Special assessments may be included on the tax bills of properties within the NID under the heading “Neighborhood Improvement District,” or as otherwise established in the ordinance creating the NID.

(8) County Council may, by ordinance, impose interest and penalties for failure to timely pay any special assessment and permit the payment of special assessments in installments.

(b) Liens.

(1) Special assessments imposed on any benefited property within a NID under a Final NIDP, including any interest and penalties thereon, automatically become a lien on the property upon imposition of the special assessment.

(2) The lien imposed under paragraph (b)(1) of this section:

- a. Is subordinate to property tax liens.
- b. Is of even priority with any lien arising under paragraphs (a)(1)c. through (a)(1)k. of § 2901 of Title 25.
- c. Has priority over all other liens and encumbrances on the property.

(3) The lien imposed under paragraph (b)(1) of this section continues as a lien against the property for 10 years from July 1 of the year for which the special assessment was imposed, but if the property remains the property of the person who was the owner at the time the special assessment was imposed, the lien continues until the assessment is collected.

(4) The lien imposed under paragraph (b)(1) of this section is afforded the same treatment as a tax lien under §§ 2902 and 2906 of Title 25.

(5) Upon the filing of a Notice of Lien by the County with the Prothonotary of the Superior Court, the special assessment imposed upon a property under a Final NIDP is, as of the date of filing the Notice of Lien, a lien upon all real property that the property owner owns at the time, or at any time after such Notice of Lien has been filed, located in the County (including all real property situated within any incorporated town or city located within the County).

(6) If any special assessment remains unpaid after the due date, the Chief Financial Officer may institute a proceeding for the enforcement of the lien, with all accrued penalties and interest and all costs, under the monition 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. 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 special assessment with accrued penalties thereon to the Office of Finance. Any residue of purchase money must be deposited by the Sheriff in accordance with applicable rules and procedures of the Superior Court.

(7) The County may collect delinquent special assessments through any other method by which the County may collect delinquent property taxes or other fees or charges imposed by the County.

§ 3509. Annual audit, report, and meeting; additional audits.

(a) The County Auditor or designee thereof, or an entity identified by County Council must annually audit all funds received and expended by or on behalf of the NIDMA. The audit results must be made electronically available to each owner of property and lessees thereof located in the NID, all County departments as determined by County Council, and the County Council within 6 months after the end of each fiscal year.

(b) The NIDMA must annually provide a report, in electronic format, including financial and programmatic information and a summary of the annual audit findings as required in subsection (a) of this section to the County and to all owners of property and lessees of property located in the NID, by no later than the annual meeting of the NIDMA, which must be held each year no later than February 28.

(c) In addition to the annual audit required under subsection (a) of this section, the County may require additional audits as the County Council, in consultation with the County Auditor or designee thereof, deems

appropriate.

§ 3510. Renewal and dissolution of a neighborhood improvement district.

(a) Renewal of a NID.

(1) Prior to expiration of a sunset provision of a NID and following a review by County Council of the NID and the enhanced services provided therein, the County Council may extend the NID up to 5 years by voting to extend the ordinance with no changes to the Final NIDP.

(2) Following the review of the NID and the enhanced services provided therein, the County Council may consider an extension of the NID with changes to the Final NIDP. Such changes proposed prior to the end of a sunset provision are not considered amendments to the Final NIDP for purposes of this chapter and may be made through the procedure for adopting a Proposed Final NIDP under subsections (d) through (f) of § 3505 of this title.

(b) Dissolution upon expiration of the ordinance.

Upon the expiration of the ordinance under the sunset provision required under paragraph (c)(3)d. of § 3505 of this title, unless the NID has earlier been renewed by the Council under subsection (a) of this section, the NID must be dissolved, subject to the provisions of subsections (d) and (e) of this section.

(c) Request for dissolution.

(1) A request for dissolution of a NID may be initiated by a non-exempt specially assessed property owner or the County by means of a petition in a form established by the County. The County Council must hold a hearing to consider the request, consistent with the hearing and approval procedures set forth in this chapter to amend a Final NIDP.

(2) The request must be approved by at least 51% of specially assessed property owners within the NID.

(d) Upon the dissolution of a NID, subject to the final audit under subsection (e) of this section, the property of the NID will pass as set forth in the County ordinance, with all unencumbered funds, if any, to be divided pro rata among the specially assessed property owners consistent with applicable law and any agreement between the NIDMA and the County, and the NID will cease to exist.

(e) Final audit.

Upon dissolution of a NID, the County Auditor or designee thereof, or an entity identified by County Council, must perform a final audit, and the audit results must be provided to all property owners and lessees of property in the NID and to County Council within 6 months after dissolution of the NID.

§ 3511. Implementation.

County government shall adopt an ordinance implementing this chapter that provides the procedures and criteria for the establishment and operation of neighborhood improvement districts.

Section 2. Amend § 521 of Title 17 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 521. Snow removal in nonmunicipal residential communities.

(a) For purposes of this section:

- (1) "Department" ~~shall mean~~ means the Department of Transportation.
- (2) "Feeder road" ~~shall mean~~ means a road that serves more than a single residential development or community as a primary entry way. These roads may serve any of the following:
 - a. Two or more different residential developments or ~~communities~~; or communities.
 - b. A residential development or community and either a school, church, ~~business~~ business, or other public building.
- (3) "Organization" ~~shall mean~~ means a civic association, neighborhood alliance, homeowners maintenance corporation, homeowners maintenance ~~association~~ association, neighborhood improvement district management association as defined in § 3503 of Title 9, or other similar entity charged with or assuming the duties of maintaining the public areas, open ~~space~~ space, or common facilities within a residential development or community not within the boundaries of a municipality.
- (4) "Snow event" ~~shall mean~~ means 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.
- (5) "Snowstorm" ~~shall mean~~ means a snowstorm event whose accumulation within the relevant maintenance district is equal to or greater than 4 inches, as determined by the Department.
- (6) "Streets" ~~shall mean~~ means those streets within a residential development or community which have been accepted for perpetual maintenance by the Department.

(b) An organization created pursuant to New Castle County ordinance or regulation ~~shall have~~ has 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~~ are 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~~ must be in an amount not to exceed 75% of the actual contracted cost of said services, but in any event, ~~shall may~~ 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 must~~ 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~~ is not 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.

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

Section 3. This Act is effective immediately and implemented as follows:

(1) The Clerk of New Castle County Council shall provide notice, published in the Register of Regulations, that the ordinance required under Chapter 35 of this title has been adopted by County government and the date the ordinance was adopted.

(2) The implementation date is the date the ordinance necessary under Chapter 35 of this title was adopted, as provided under paragraph (1).

Approved October 10, 2022