



SPONSOR: Rep. Baumbach & Rep. Kowalko & Sen. Sokola
Rep. Michael Smith; Sen. Walsh

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

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):

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

3 405 - - THE CITY MAY ENGAGE IN BUSINESS.

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

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

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

18 The city may, in its discretion, distribute water throughout all that territory included within ~~ten (10)~~ 10 miles of the
19 city limits. The council shall determine the person or persons, firm or firms, corporation or corporations, to which the city
20 shall distribute water throughout said territory; shall fix the rates therefor, shall regulate the use of said water, and shall
21 supply the same upon such terms and conditions as may be agreed upon by the council and said person or persons, firm or
22 firms, corporation or corporations. The city shall have and exercise all the powers and authority necessary to the

23 accomplishment of said distribution of water throughout said territory as it now has and possesses in the installation,
24 ~~operation~~ operation, and maintenance of its water system in the city and in the distribution by it of water within the city
25 limits, including the authority and power to acquire by purchase or condemnation such land, and real and personal property
26 as may be necessary therefor.

SYNOPSIS

This Act amends the municipal Charter of the City of Newark to permit the City of Newark to provide sanitary sewer service to properties outside of the Newark corporate limits without annexing these properties. Under this Act, sewer services may be provided to properties outside of the Newark corporate limits at the request of the property owner and if approved by New Castle County and the City of Newark.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.