



SPONSOR: Sen. Hansen & Rep. Jaques
Sens. McBride, Sokola, Townsend; Reps. Hensley,
Michael Smith

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 179

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO STREET LIGHTS AND OTHER LIGHTS.

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

1 Section 1. Amend § 2101, Chapter 21, Title 9 of the Delaware Code by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 § 2101 Lighting ~~streets~~streets, and highways, and other areas in unincorporated communities and villages;
4 petition.

5 (a) Upon the petition of the builder of or a majority of the property owners of any unincorporated community or
6 village in New Castle County, the County Council may enter into a contract with any electric, ~~gas~~ gas, or other lighting
7 company or companies to light and illuminate the streets or highways running through, bounding ~~bounding~~, and within the
8 community or village, with electric light, gas light, or other illuminant. The petition of the property owners shall set forth
9 the boundary lines of the community to be lighted. Street lights shall be of such candle power, ~~electric~~ electric, or its
10 equivalent in other illuminating mediums; as shall be determined by the County Council. The County Council may enter
11 into contracts for additional lights, including lighting for neighborhood entrance signs, ~~or~~ may change the location of any
12 lights theretofore ~~located~~ located, ~~and~~ or may levy and collect additional tax for the payment of the same.

13 (c) An unincorporated community or village in New Castle County is prohibited from adding lighting for a
14 neighborhood entrance sign under subsection (a) unless that same unincorporated community or village first has petitioned
15 and been approved by the County Council for illumination of the streets or highways running through, bounding, and
16 within the community or village under subsection (a). Subsequent to approval of such petition by County Council, the
17 unincorporated community or village may request that the Department of Finance approve lighting for a neighborhood
18 entrance sign.

19 (d) If the request of an unincorporated community or village in New Castle County for lighting of a neighborhood
20 entrance sign under subsection (a) is granted, the unincorporated community or village must use the light provided by the
21 electric, gas, or other lighting company or companies. New Castle County shall maintain the light provided for the sign.
22 The unincorporated community or village shall be responsible for maintaining the sign.

(e) New Castle County is authorized to and may promulgate additional ordinances, rules, or regulations pertaining to the lighting of streets or highways running through, bounding, and within unincorporated communities or villages in New Castle County and for the lighting of entrance signs for unincorporated communities or villages in New Castle County provided those additional ordinances, rules, or regulations do not contradict the provisions of this Chapter.

Section 2. Amend § 2102, Chapter 21, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The County Council, for the purpose of providing ~~street-street, and highway, and other~~ lighting, including lighting for neighborhood entrance signs, pursuant to § 2101 of this ~~¶~~Title, shall ~~levy~~ levy for the installation and maintenance of such ~~lights~~ lights, an annual tax based on the full annual cost of such lighting, plus an additional amount up to but not exceeding 10% thereof to cover the actual direct and indirect costs of administration and billing. Such tax shall be levied against all properties within the boundary lines of the communities that have submitted petitions under § 2101 of this ~~¶~~Title. The County Council shall establish the method by which such tax shall be computed and shall adopt and levy annual light tax rates that will yield sufficient revenue to cover the full annual cost of all lighting services, plus up to but not exceeding 10% for the actual cost of administration and billing. No such taxes shall be levied against farm land.

(b) Such taxes shall be collected by the same collector, at the same ~~time~~ time, and in the same manner as other county taxes. If such taxes are not paid by the date set for the payment of other taxes, penalty shall accrue thereon in the manner and at the rate specified in § 8604(a) of this ~~¶~~Title.

(c) If the County Council receives a petition for street lighting from any builder or community and the contract for such street lighting is entered after the commencement of the county's fiscal year, the Department of Finance may, at the same times established for supplemental assessments in § 8339 of this ~~¶~~Title, levy and bill a supplemental light tax to the property owners within such community, computed in the same manner as all other light tax bills, reduced at the rates specified in § 8340 of this ~~¶~~Title.

(d) All taxes levied under this ~~e~~Chapter shall be considered real property taxes and, as provided in § 2901(a) of Title 25, shall constitute and remain a statutory lien on such property, together with any penalties that may accrue thereon, until such taxes and penalties are paid in full. Such lien shall enjoy the priority established for governmental liens by § 2901 of Title 25.

SYNOPSIS

Title 9, Chapter 21 of the Delaware Code provides, upon the petition of a majority of property owners of any unincorporated community or village in New Castle County, that New Castle County Council may enter into a contract with any electric, gas, or other lighting company to light the streets or highways running through, bounding, and within the community or village. Communities have requested, and this Act would provide, a narrow expansion of Title 9 to provide for other lighting, including lighting for neighborhood entrance signs. This Act also makes technical corrections to the statutes involved to conform to the Delaware Legislative Drafting Manual.

Author: Senator Hansen