

CHAPTER 173
FORMERLY
HOUSE BILL NO. 179

AN ACT TO AMEND CHAPTER 237, VOLUME 51, ENTITLED AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE RELATING TO SEWER AND WATER MAIN IMPROVEMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 36, Chapter 237, Volume 51, Laws of Delaware by striking Section 36 in its entirety and substituting in lieu thereof the following:

“Section 36. Sewer and Water Main Improvements

The Commissioners shall have the entire jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said Town, and may pass ordinances for the construction of water treatment and distribution systems, sewerage systems for the collection, treatment and disposal of sewage, liquid or solid wastes, industrial wastes, or the like; and the opening of gutters, drains and sewers for the management of storm water within the limits thereof. And the regulating and maintaining, cleansing and keeping the same and the natural water courses, runs and rivulets within the said limits open, clean, and unobstructed; and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as hereinbefore provided in case of streets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and kept open and unobstructed, and shall bear the expenses thereof and may in its discretion assess the costs of sanitary sewers or water main improvements upon the property particularly benefitted thereby, except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, and prescribe the mode of collection thereof; provided, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Whenever the Commissioners of the Town of Bridgeville shall determine, either on petition by a majority in numbers or in interest of the property holders abutting a proposed sanitary sewer construction, improvement, alteration, or repair, or water main improvements, or on its own initiative, that such construction, improvement, alteration, or repair of sanitary sewers or water main improvements is required, it shall proceed in accordance with law to undertake work and surveys necessary to make a report estimating cost and apportioning assessments. The Commissioners shall then proceed as hereinbefore described for street improvements. The Commissioners may perform such construction, improvement, alteration, or repair by contract or municipal agency. Provided, that assessment for the construction, improvement, alteration, repair and operation of sanitary sewers or water main improvements may be made upon the property abutting upon that portion of the street in which any sanitary sewer or water main improvement may be constructed under the provisions of this Charter, and shall be based upon the lineal feet of such property abutting on such street, each such lineal foot being assessed alike. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the cost of building a sanitary sewer or

water main improvement in one of such streets, only the front of such property shall be liable for such assessments. The Commissioners on individual appeals according to rules established by them, shall in all cases decide what portion of the corner property shall be considered frontage and what portion side frontage. Provided that in all corner properties the side frontage shall not exceed one hundred and twenty-five (125) feet and side frontage thus determined shall be exempt from the payment of any sanitary sewer assessment, unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case the owner shall pay such additional assessment as the Commissioners may determine. No property shall be assessed for the cost of constructing the sanitary sewer or water main improvement and connecting the same with the disposal plant or water distribution system, unless such property shall abut and be bounded by that portion of the street in which a sanitary sewer or water main improvement has been built, or unless such property has the right of access to such street or desires to use such sanitary sewer or water main improvement and the sanitary sewer or water main improvement is constructed upon the street upon which the property abuts, in either of which cases such property shall be liable for the same assessment as though a sanitary sewer or water main improvement was constructed in the portion of the street on which such property abuts, and the property shall not be liable for any further assessment for sanitary sewer or water main improvement purposes. Where any such assessments shall be made upon any land for the cost of construction a sanitary sewer or water main improvement and connecting it with the disposal plant or the water distribution system, the Commissioners shall have the right to compel the owner to connect any building or structure erected as may be prescribed by the Commissioners from time to time. The word street shall be deemed and held to comprehend and include highways, lanes and alleys.

The Commissioners of Bridgeville shall have the authority to extend water and sewage service within two miles of the town limits of the Town of Bridgeville, under such terms and conditions as they may negotiate with the property owners within the area defined, providing the taxes, water and sewer rents are not less than that paid by the residents of the Town of Bridgeville.

The Commissioners of Bridgeville shall have the authority to enter into and perform a contract or contracts with any city, town, municipality, or agency of the state, county, or federal government for the disposal of sewage collected by any sewerage system either for a specified or unlimited time and for a charge to be made for such service by or to any such city, town, municipality, or agency of the state, county, or federal government, and for the sale, purchase, treatment, purification, transmission, or distribution of water for a specified or any unlimited time and for the charge to be made for such service by or to any such city, town, municipality, or agency of the state, county, or federal government.

As used herein, 'sanitary sewer' shall include all sewers, pipelines, conduits, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, outfalls, real and personal property, and appurtenances.

As used herein, 'water main improvements' shall include the Bridgeville water system and all real and personal property necessary or useful in the collections, acquisition, treatment, purifications, and distribution of water, together with any principal or ancillary rights appurtenant thereto."

Approved July 22, 2009