

Ordinance 10 – Public Utilities – Approved June, 1976

Summary of the Ordinance

This ordinance (1) defines utilities, (2) states that it is a misdemeanor to trespass upon or tamper with said utilities, (3) provides a fine which like all others is out of date, (4) states that utilities companies should protect their facilities from unauthorized access, (5) states that said protection should be periodically inspected and maintained, (6) provides a fine for failure to do items 4 and 5.

Discussion

While the concept behind this ordinance is sound and useful, it is likely that this ordinance is redundant relative to New Castle County, State of Delaware and other jurisdictions for protecting the safety of utility installations. Additionally, if Arden has no authority with respect to utility installations, what is the purpose of having such an ordinance?

A quick search reveals the following two statutes:

New Castle County Code Chapter 38 – UTILITIES (with subsections on Sewers)

https://library.municode.com/de/new_castle_county/codes/code_of_ordinances?nodeId=PTIICO_CH38UT

Delaware Title 26 – Public Utilities

<chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://delcode.delaware.gov/title26/title26.pdf>

Recommendations

- Review the relevant statutes to determine whether Ordinance 6 is needed
- Discuss findings with Civic Committee in conjunction with the Ordinance 6 action items
- Recommend repeal or revision of Ordinance 10. For example, it may be useful to have an Ordinance which cites the relevant statutes and then defines Arden residents' responsibility with respect to those. Or not...
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