

TITLE 23

Navigation and Waters

CHAPTER 15. WHARF LINES AND BULKHEADS

§ 1501 Limitation on wharves in City of New Castle.

Whoever builds or extends any wharf or wharves or landing places, filled up solid from the foundation into the Delaware River, further than by the determination and limitation by the City Council of the City of New Castle of the wharf line in front of the city upon the river, under 14 Del. Laws, c. 546, which they shall be allowed to do, or neglects or refuses to leave such proper sluice ways in the wharves or landing places (as may be necessary) in the proper places thereof, according to such limitation or determination, shall forfeit and pay for every such offense the sum of \$500, besides the costs of prosecution, 1 moiety for the use of the City of New Castle to be paid to the City Council of the city, and the other moiety for the use of the person who sues for the same, and any such wharf extended beyond the limitation fixed may and shall be abated and removed by the City of New Castle.

14 Del. Laws, c. 546, § 2; Code 1915, § 2962; Code 1935, § 3470; 23 Del. C. 1953, § 1501.;

§ 1502 Laurel River; wharf lines and limitations.

Commissioners appointed under 18 Del. Laws, c. 224, having adjusted and determined certain limits on each side of the Laurel River in Sussex County, from the iron bridge over the river down river, to which wharves may be extended out into the river, and having returned their proceedings in that behalf, together with a plot showing the limits to the clerk of the peace of such County, in accordance with such statute, no person, for any purpose whatsoever, shall construct or cause to be constructed on either side of the Laurel river, between the iron bridge and the point down the river as determined upon by the Commissioners, any wharf, platform, landing place, marine railway, pier, piles, abutment or other obstruction to the current of the river, extending into the river beyond the limits adjusted and determined on by the return.

No person shall construct or cause to be constructed, or have or keep on either side of the Laurel River, between the iron bridge and the point down the river, as determined upon by the Commissioners, and within the limits adjusted and determined (that is to say, between either 1 of the limits and the shore with respect to which such limits shall be fixed), any wharf or platform supported on piles, piers or abutments so fixed as to leave spaces between them open to the river, or construct or cause to be constructed, have or keep between the points and within the limit to be adjusted and determined any sluice way or sluice ways in any wharf built or to be built on the river.

18 Del. Laws, c. 244, §§ 1-3; 18 Del. Laws, c. 456, § 1; Code 1915, §§ 2963, 2964; Code 1935, §§ 3471, 3472; 23 Del. C. 1953, § 1502.;

§ 1503 Enforcement of Laurel River restrictions.

The Levy Court Commissioners of Sussex County, upon complaint of 1 or more inhabitants of either of the Fourth or Fifth Representative Districts, that any wharf, platforms, landing place, marine railway, pier, pile, abutment or other obstruction of the river has been constructed and is held or kept in or upon the Laurel River contrary to § 1502 of this title, shall, upon giving at least 10 days' notice to the owner or occupier of

the same, hear and determine such complaint, and, if necessary, view and examine the matter or thing complained of. If the Levy Court Commissioners shall, upon such hearing, adjudge that the matter or thing complained of is held or kept contrary to such section, they shall forthwith deliver to the owner or occupier of any such wharf, platform, landing place, marine railway, pier, pile, abutment or other obstruction a certified copy of their finding in that behalf and a written notice to remove the same. If any such wharf, platform, landing place, marine railway, pier, pile, abutment or other obstruction be not removed or conformed to such section within 90 days after the delivery of such certified copy, the person holding the same as the owner thereof shall forfeit and pay to any person who will sue for the same the sum of \$500, to be recovered with costs of suit as debts of like amount are by law recoverable, 1/2 of the penalty to be for the use of the person suing therefor, and the residue thereof to be for the use of Broad and Little Creek Hundreds. The Prothonotary of Sussex County, if any such wharf, platform, landing place, marine railway, pier, pile, abutment or other obstruction be not removed or conformed to such section within 90 days after the delivery of such certified copy, without delay, shall issue a warrant or writ directed to the Sheriff of the County commanding the sheriff to abate such wharf, platform, landing place, marine railway, pier, pile, abutment or other obstruction, or to conform the same to such section, whereupon the Sheriff shall forthwith proceed to abate the same or to conform the same to such section. The expenses incurred in carrying into effect this provision shall be such as the Levy Court shall allow, and the same having been paid by the County Treasurer, the amount thereof may be recovered in the name of the County of Sussex from the owner or occupier of the matter or thing abated, as debts of like amount are by law recoverable.

18 Del. Laws, c. 244, § 4; Code 1915, § 2965; Code 1935, § 3473; 23 Del. C. 1953, § 1503; 70 Del. Laws, c. 186, § 1.;

§ 1504 Drainage into Laurel River.

Nothing contained in §§ 1502 and 1503 of this title shall be construed to prevent the Town of Laurel from constructing, erecting or providing proper sluices, culverts and waste ways for the drainage of the town or to prevent the present drains or gutters from being emptied into Laurel River.

18 Del. Laws, c. 244, § 7; Code 1915, § 2966; Code 1935, § 3474; 23 Del. C. 1953, § 1504.;

§ 1505 Delaware River opposite Wilmington and Edge Moor; bulkhead and pier lines.

The bulkhead line or lines of solid filling and the pier line in the tidewaters of the River Delaware, lying between the Christina River and the northerly boundary of Edge Moor, opposite the City of Wilmington and Edge Moor, as fixed, established and adopted, or hereafter to be fixed, established and adopted, by the Secretary of the Army of the United States, under the acts of Congress in that behalf, are adopted and declared to be fixed and established as the exterior bulkhead and pier lines between the points, as such exterior bulkhead and pier lines so fixed, established and adopted are or may hereafter be shown upon the manuscript map or maps, report or reports filed in the office of the Secretary of the Army or the Department of the Army.

22 Del. Laws, c. 2, § 1; Code 1915, § 2982; Code 1935, § 3475; 23 Del. C. 1953, § 1505.;

§ 1506 Filing federal maps and reports.

The Secretary of State shall procure duplicate copies of the federal government's manuscript map or maps, report or reports accompanying the same, from time to time, and file 1 of the copies in the Secretary's office at Dover and the other in the office of the Recorder of Deeds for New Castle County. The copies when so filed, or certified copies thereof, shall be competent evidence for all purposes.

22 Del. Laws, c. 2, § 2; Code 1915, § 2983; Code 1935, § 3476; 23 Del. C. 1953, § 1506; 70 Del. Laws, c. 186, § 1.;

§ 1507 Filling in beyond established bulkhead line; structures outside bulkhead line.

It shall not be lawful to fill in with earth, stone or other solid material in the tidewaters of the Delaware River between the points referred to in § 1505 of this title, beyond the bulkhead line or lines of solid filling by §§ 1505-1510 of this title adopted, fixed, established, laid down and exhibited on the map or maps, report

or reports, except in the construction of duly authorized piers. No erection or structure of any kind shall hereafter be erected, allowed or maintained beyond or exterior to such bulkhead line or lines of solid filling, except duly authorized piers, which shall not be less than 150 feet distant one from the other, and which shall in no case extend beyond the lines indicated for piers on such map or maps, report or reports.

22 Del. Laws, c. 2, § 3; Code 1915, § 2984; Code 1935, § 3477; 23 Del. C. 1953, § 1507.;

§ 1508 Littoral proprietors' rights; deposit of dredgings by United States.

The littoral proprietors abutting on the River Delaware, between Christina River and the northerly boundary of Edge Moor, may erect bulkheads, wharves and piers on the line or lines now or hereafter to be fixed, established and adopted as provided in § 1505 of this title, opposite their respective littoral holdings on the river, between the Christina River and the northerly boundary of Edge Moor, and fill in with earth, stones or other material the space or spaces between the bulkhead line or lines of solid filling shown or exhibited on the map or maps, report or reports referred to in § 1505 of this title, and the westerly bank of the river (designating the high watermark thereof), between the Christina River and the northerly boundary of Edge Moor. Nothing contained in this section shall operate to prevent the United States from utilizing all or any portion of the space between the bulkhead and the westerly bank of the river for the deposit of dredged material taken from the River Delaware in the progress of the improvement thereof, not exceeding 12 feet in height above mean low water. The filling in of the space between the lines by any littoral proprietor shall be under and subject to the regulations of the Department of the Army of the United States.

22 Del. Laws, c. 2, § 4; Code 1915, § 2985; Code 1935, § 3478; 23 Del. C. 1953, § 1508.;

§ 1509 Title of littoral proprietors to lands filled in.

The land under the waters of the Delaware River, within the limits as determined in § 1510 of this title, on the front of the littoral holdings of the littoral proprietors, respectively, and between the bulkhead line or lines of solid filling, as shown and exhibited on the maps referred to in § 1505 of this title, and the westerly bank of the river (designating the high watermark thereof), shall vest in fee in the littoral proprietors, their heirs, executors, administrators, successors and assigns, respectively. When a suitable bulkhead has been constructed in front of any of the littoral holdings of any of the littoral proprietors, the Attorney General, upon satisfactory evidence of that fact, and the tender to the Attorney General of the reasonable and necessary expenses of preparing the conveyance or conveyances named in this section, shall seasonably prepare and forthwith execute under the seal of the State a grant assuring to the littoral proprietors, respectively, their heirs, executors, administrators, successors and assigns the lands under water in front of their respective littoral holdings between the bulkhead line and the river bank.

22 Del. Laws, c. 2, § 5; Code 1915, § 2986; Code 1935, § 3479; 23 Del. C. 1953, § 1509; 70 Del. Laws, c. 186, § 1.;

§ 1510 Waterfront of respective proprietors; determination of.

The breadth of waterfront appertaining to each littoral proprietor or owner of land abutting on the river bank shall be determined by protracting the line of the land to the bulkhead line established under §§ 1505-1511 of this title, wherever the protraction of the lines would not result in giving the owner more or to any other littoral proprietor less than the owner's proportionate share of frontage on the bulkhead line. In case of a conflict arising from the divergence or convergence of the lines of the littoral proprietors or of the public streets, the Attorney General may settle the lines outside of the river bank so that equal justice shall be done to all concerned.

22 Del. Laws, c. 2, § 6; Code 1915, § 2987; Code 1935, § 3480; 23 Del. C. 1953, § 1510; 70 Del. Laws, c. 186, § 1.;

§ 1511 Proprietors' right to own and hold structures on river front; further rights.

The littoral proprietors, respectively, may own and hold all bulkheads, docks, wharves, buildings and piers that hereafter may be erected pursuant to §§ 1505-1511 of this title on the front of their littoral holdings, respectively, and may use, possess, repair and keep the same in order, and lay any steamboat, vessel or other craft at the same, and may demand, take, sue for and recover reasonable wharfage, demurrage, rent

or dockage of and from any steamboat, vessel or other craft using the same, and from all persons who may use the bulkhead, docks, wharves, buildings and piers in any way whatsoever, and may also sue for and recover any damage that may be done to the same.

22 Del. Laws, c. 2, § 7; Code 1915, § 2988; Code 1935, § 3481; 23 Del. C. 1953, § 1511.;