

ORDINANCE NO. 1938

AN ORDINANCE TO ADOPT CHAPTER 116, ENFORCEMENT OF COUNTY OBLIGATIONS, TO REQUIRE RESIDENTS AND PROPERTY OWNERS TO BE CURRENT IN THE PAYMENT OF TAXES AND OTHER COUNTY OBLIGATIONS AS A CONDITION PRECEDENT TO MAKING APPLICATION FOR AND RECEIVING COUNTY APPROVALS, SERVICES AND/OR PERMITS.

WHEREAS, by the adoption of this Ordinance, the Sussex County Council establishes a "Clean Hands" Ordinance requiring property owners to be current in obligations owed to the County as a condition precedent to receiving County approvals.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

§116-1. Issuance of County approvals dependent on payment of taxes and other County obligations.

The Directors of County departments having authority to accept applications and issue approvals, permits, licenses and/or provide County services shall first determine that the applicant is current on and not in default of certain obligations owed to the County.

§116-2. County obligations which must be current.

Applicants for County approvals, permits, licenses and/or the use, receipt or provision of County services shall be current on all of the following obligations to the County prior to receiving such approvals:

- (1) Property taxes.
- (2) Capitation taxes.
- (3) Water and/or sewer connection, front footage and/or usage charges.
- (4) Application fees.
- (5) Permit fees, including building permits, building code and inspection fees.
- (6) Interest, penalties, court costs and/or attorney's fees if applicable to a default in any of the above listed obligations.

§116-3. Issuance of County approvals dependent upon payment of County obligations.

The directors or heads of various County departments and offices shall refuse to accept applications and grant permits and/or approvals for the use, receipt or provision of County services, including but not limited to, building permits, mobile home placement permits, building code plan reviews and/or inspections, subdivisions, rezonings, conditional uses, variances and/or special exceptions until the owner and/or applicant has demonstrated that all County obligations identified in Section 116-2 above have been paid current as to all lands and property owned by the individual requesting the permit, approval or County services. If the party requesting County approval is current on some, but not all obligations owed to the County, the approval, permit, license and/or County service being applied for shall be denied until such time as all County obligations are current and fully complied with.

§116-4. Procedure.

A. All County employees who are responsible for taking applications and/or granting approvals and/or permits and/or providing the County services identified in Section 116-3 shall make all reasonable efforts to determine that none of the County obligations identified in Section 116-2 are unpaid and/or that the owner requesting the approval, permit or service is not in violation of any monetary or compliance obligation owed to Sussex County.

B. Parcel owners who have taxes or any other obligations owed to the County must have written approval from the Sussex County Finance Director indicating full payment of all taxes, assessments, fees or obligations that are in arrears before any application for a building permit, building code approval, subdivision, rezoning, conditional use, variance, special exception or County services can be accepted or approved by the Sussex County offices or employees.

C. If any non-complying or incomplete payments, actions or filings are determined to exist, then the administrative agency or official shall, in writing, deny the license, application or other form of approval requested until all existing requirements for payment, actions or filings have been fully complied with or completed, clearly identifying in the written denial, the payment, action or filing required to be completed or complied with. Failure by the appropriate administrative agency or official to issue such written denial within ten (10) working days from the receipt of an application shall enable the applicant to receive the permit or other approval for which application was made.

§116-5 Appeals.

Any applicant for a permit or other form of County approval who receives the aforesaid written denial of a permit or other form of approval by an administrative agency or official of Sussex County may appeal that denial to the Sussex County Administrator within 20 calendar days of such denial. The Administrator, or his designee, shall thereafter hold a hearing at which said applicant shall be permitted to provide proof that such payment has been made or that a required action or filing has been properly carried out or otherwise show that such denial is based on incorrect information or is not appropriate as to that applicant.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1938 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF OCTOBER 2007.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL