

ORDINANCE NO. 2230

AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-32, OF THE CODE OF SUSSEX COUNTY TO ALLOW A LANDOWNER TO PERFORM SITEWORK OR CONSTRUCT CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR PERFORMANCE GUARANTY

WHEREAS, the Code of Sussex County, with regard to Subdivision and other land developments, prohibits the construction of improvements or site work on a tract of land or development unless a bond or similar performance guaranty; and

WHEREAS, the Sussex County Council desires to allow a landowner to construct certain improvements, sitework, utilities, etc. on land owned by that landowner without posting a bond or other performance guaranty, provided that no residential Building Permit shall be issued until the work is completed or a Bond or other Performance Guaranty is provided to Sussex County; and

WHEREAS, this Ordinance Amendment promotes the health, safety and welfare of residents of Sussex County, and promotes the orderly growth of the County; and

WHEREAS, additions to the Code of Sussex County are underlined;

NOW, THEREFORE,

The County Council of Sussex County hereby ordains:

Chapter 99, Section 99-32 of the Code of Sussex County is hereby amended to add a new subsection D immediately following subsection C:

99-32 Bonds and Guarantees

D Notwithstanding the preceding subparts of this Section, no performance bond or other guaranty shall be required for improvements required by the application of this Chapter upon lands owned by the party seeking to construct the improvements. Provided however, that no lots shall be sold or transferred and no residential Building Permits or Zoning Permits shall be issued until: (i) all required improvements are constructed and receive substantial completion; or (ii) a bond or guaranty is posted in accordance with subparts A, B and C of this Section. In the event no bond or performance guaranty is provided, a Notice in the form acceptable to the County Attorney shall be recorded in the Office of the Recorder of Deeds putting the public on notice that no transfer or sale of lots is permitted in the development until such bond or other guaranty is provided as required by this section. This Ordinance and this Subsection D of Section 99-32 of Chapter 99 of the Code of Sussex County shall automatically sunset and expire 2 years from the date of its adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2230 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF JANUARY 2012.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL