

ORDINANCE NO. 2325

(AS AMENDED)

AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND" IN ORDER TO EXTEND THE TIMEFRAME IN WHICH LANDOWNERS MAY PERFORM SITE WORK OR CONSTRUCT CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR PERFORMANCE GUARANTY

WHEREAS, Sussex County Code currently allows landowners to perform site work and make certain improvements without posting a bond or other guaranty until January 10, 2014, and at such time, the provisions related thereto shall automatically sunset and expire; and

WHEREAS, Sussex County Code permits the above-referenced work to occur without posting a bond or other guaranty, provided that no lots shall be transferred and no residential building permits or zoning permits shall be issued until the work is completed or a bond or other performance guaranty is provided to Sussex County; and

WHEREAS, Sussex County Council desires to amend the Sussex County Code to extend the time period to January 1, 2016 in which landowners may perform site work or construct certain improvements without posting a bond or performance guaranty subject to the conditions contained therein.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by deleting the bracketed language in the current Section 99-32 and inserting the underlined language as follows:

- D. Notwithstanding the preceding subsections 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: (1) all required improvements are constructed and receive substantial completion; or (2) a bond or guaranty is posted in accordance with Subsections 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 Subsection D of § 99-32 of Chapter 99 of the Code of Sussex County shall automatically sunset and expire [two years from the date of its adoption] on January 1, 2016.

Section 2. This Ordinance shall become effective upon its adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2325 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF NOVEMBER 2013.



**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**