

**ORDINANCE NO. 2326**

**AN ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SEDIMENT CONTROL AND STORMWATER MANAGEMENT" AND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND" IN REGARD TO THE BONDING AND GUARANTIES REQUIRED FOR SURFACE DRAINAGE FACILITIES AND EROSION AND SEDIMENTATION CONTROL FACILITIES UNDER THE JURISDICTION OF THE SUSSEX CONSERVATION DISTRICT**

**WHEREAS, Sussex County Code, Chapter 99, Section 99-32 currently requires bonding and guaranties for all surface drainage facilities and erosion and sedimentation control facilities and requires Sussex County to collect such bonding and guaranties; and**

**WHEREAS, the Sussex Conservation District is the delegated agency in Sussex County for the administration of Delaware's Sediment and Stormwater Regulations and shall require its own bonding for such facilities effective January 1, 2014; and**

**WHEREAS, the duties of the Sussex Conservation District include approval of sediment and stormwater management plans and inspection of the subject properties for compliance which is a condition for the issuance of building and other permits by Sussex County pursuant to Sussex County Code Chapter 90; and**

**WHEREAS, Sussex County Council desires to amend the Sussex County Code to remove the requirement of applicants to provide bonds to Sussex County for all surface drainage facilities and erosion and sedimentation control facilities under the jurisdiction of the Sussex Conservation District.**

**NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. The Code of Sussex County is hereby amended by deleting the current Section 90-8 in its entirety and as shown in the brackets below:**

**[\$90-8. Performance bonds and guaranties.]**

**[The performance bond and guaranties required in § 99-32, Article VI, of Chapter 99, Subdivision of Land, of the Sussex County Code includes as a condition the satisfactory completion of the sediment control and stormwater management plan as certified to the County by the Sussex Conservation District.]**

**Section 2. The Code of Sussex County is hereby amended by deleting the bracketed language in the current Section 99-32 as follows:**

**§99-32. Bonds and guaranties.**

- A. As a condition of approval of improvement plans, the County Council shall require the subdivider to post a performance bond or other guaranty for any improvements required by the application of this chapter in an amount sufficient to construct the improvements and in a form acceptable to the County Attorney. The amount of such**

**bond shall be no less than 125% of the cost of improvements. Bonding and guaranties may be required for street and road improvements, [surface drainage facilities, erosion and sedimentation control facilities,] water supply facilities, sanitary sewer facilities, forested and/or landscaped buffer strips, all areas approved as open space as defined in § 99-5 and other improvements deemed necessary by the Commission or required by the Subdivision Ordinance.**

**Section 3. This Ordinance shall become effective on January 1, 2014.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2326 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF NOVEMBER 2013.**

A handwritten signature in black ink, appearing to read "Re Griffith", with a stylized flourish at the end.

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