

ORDINANCE NO. 2501

AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, § 103-29.1 OF THE CODE OF SUSSEX COUNTY TO MODIFY SUSSEX COUNTY'S REALTY TRANSFER TAX DISTRIBUTION TO INCORPORATED MUNICIPALITIES WHICH DO NOT COLLECT REALTY TRANSFER TAX OR WHICH COLLECT REALTY TRANSFER TAX BUT RECEIVE LESS THAN \$20,000 IN REVENUE DURING ANY FISCAL YEAR

WHEREAS, Chapter 103, Article IV, § 103-29.1 of the Code of Sussex County currently provides that Sussex County shall provide a realty transfer tax distribution of \$15,000 to incorporated municipalities which do not collect realty transfer taxes or which collect realty transfer taxes but receive less than \$20,000 in revenue during any fiscal year, with the exception that the City of Milford receives a distribution of \$7,500 each fiscal year; and

WHEREAS, Sussex County desires to amend Chapter 103, Article IV, § 103-29.1 to modify the calculation of the Sussex County realty transfer tax distribution whereby the county's distribution shall hereinafter be the difference between the total municipal realty transfer tax revenue collected during the fiscal year and \$20,000, with the City of Milford receiving a fixed distribution of \$10,000 each fiscal year.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 103, Article IV, § 103-29.1, entitled "Transfer of funds to municipalities", is hereby amended by deleting the language in brackets and inserting the underlined and italicized language in its place and stead as follows:

"Any incorporated municipality within Sussex County which does not collect a realty transfer tax or which collects a realty transfer tax but which, during its fiscal year, receives less than \$20,000 in revenue from its realty transfer tax shall receive a distribution from the county [of \$15,000]from the county's realty transfer tax receipts. *The county distribution to any qualifying municipality shall be equal to the difference between the total realty transfer tax revenue collected by the municipality during any given fiscal year and \$20,000,* provided that the City of Milford shall receive a *fixed* distribution of \$~~[7,500]~~*10,000*. Each qualifying municipality shall submit written verification to the county, in a form acceptable to the county, of realty transfer tax revenue no later than 60 days from the end of its fiscal year. Use of such distribution shall be limited to those uses of realty transfer tax revenue as provided in Title 22 of the Delaware Code."

Section 2. Effective Date. This Ordinance shall become effective on July 1, 2017.

Synopsis

This Ordinance amends Sussex County Code, Chapter 103, Article IV, § 103-29.1 to provide that the county's distribution to any incorporated municipality within Sussex County which does not collect a realty transfer tax, or which collects a realty transfer tax but which during its fiscal year receives less than \$20,000 in revenue from its realty transfer tax, shall receive a county distribution equal to the difference between the total realty transfer tax revenue collected by the municipality during any given fiscal year and \$20,000, with the exception of the City of Milford which shall receive a fixed \$10,000.00 distribution each fiscal year.

Deleted language is in brackets. Additional text is underlined and in italics.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2501 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF JUNE 2017.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL