

ORDINANCE NO. 2524

AN ORDINANCE TO AMEND CHAPTER 110, SECTION 110-88 OF THE CODE OF SUSSEX COUNTY TO ADD “EQUIVALENT DWELLING UNITS” AS A METHOD OF CALCULATING SEWER OR WATER ASSESSMENTS

WHEREAS, Title 9, Sections 6505(b) and 6514 of the Delaware Code were amended to allow other means of collecting sewer assessments besides front footage calculations by Sussex County; and

WHEREAS, Sussex County desires to utilize a more uniform method of calculating sewer and water assessments wherever possible as new properties are brought into a Sussex County Sewer District or Water District; and

WHEREAS, Sussex County desires to utilize Equivalent Dwelling Units (“EDUs”) as that term is already defined in Chapter 110 of the Code of Sussex County as a method of calculating sewer or water assessments for service provided by Sussex County; and

WHEREAS, both the Sussex County Engineering Department and the Department of Finance recommend and support the conversion from front footage assessment calculations to EDU calculations as an equitable means of determining sewer assessments; and

WHEREAS, the deleted language is in [brackets] and the new amended language is *italicized and underscored*.

NOW, THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 110, Part 3, Article XIII, §110-88 “Annual Assessment Fees” is hereby amended by deleting the language in brackets and inserting the italicized and underscored language as follows:

§110-88 Annual assessment fees.

The annual sanitary sewer assessment fee and/or annual water assessment fee shall be established for each sanitary sewer district and or water district. Annual assessment fees shall be based on a proportion, as determined by the county, of the total amount required each year to reimburse the county for sums to be expended for retiring bonds and/or notes which have been issued or capital expenditures for a sanitary sewer district or a water district to design, acquire and construct a respective sewerage system or a respective water system. [The amount required from each district to reimburse the county shall be equally

proportioned to the assessable footage in the district.] Unless otherwise determined by the county as part of the approval of its annual assessment roll, the method of determining the assessment fee shall be based upon the method established at the time the property was incorporated into a sanitary sewer district or water district pursuant to Title 9 of the Delaware Code, as follows:

A. Where EDUs are established as the method of determining assessment fees, the amount required from dwellings, structures or other establishments or facilities to which EDUs are assigned pursuant to this chapter shall be based upon the number of EDUs allocated to the property as determined in Article XIV of this Part 3 and the amount to be recovered by the assessment as determined by the county. Provided, however, that undeveloped residential lots shall be assessed with one EDU; once the property is improved or further subdivided, the number of EDUs allocated shall be as determined in Article XIV of this Part 3 and the amount to be recovered by the assessment as determined by the county.

B. Where a front footage calculation is established as the method of determining assessment fees, the amount required from each property shall be equally proportioned to the assessable footage in the district, as determined in Article XIII, Section 110-92 of this Part 3. All properties that are part of a sanitary sewer district or water district at the time of adoption of this ordinance shall continue to be assessed based upon a front footage calculation, unless otherwise determined by the county as part of the approval of its annual assessment roll.

Section 2. Effective Date.

This Ordinance shall become effective upon its adoption by Sussex County Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2524 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OCTOBER 2017.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL