



Sussex County Council Public/Media Packet

**MEETING:
May 22, 2018**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

MAY 22, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Recognition of Retiree Mary Sue Sharp
2. Fiscal Year 2019 Budget Presentation
3. Discussion and Possible Introduction of Proposed Ordinances:

“AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2019”

“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62 (“FEES”), ARTICLE VI (“RECORDER OF DEEDS”) REGARDING ONLINE DOCUMENT RETRIEVAL FEES”

4. Administrator’s Report



11:00 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, BY DELETING THAT CHAPTER IN ITS ENTIRETY AND AMENDING AND RESTATING IT IN ITS ENTIRETY”

Hans Medlarz, County Engineer

1. Milton Library Bulkhead Repair Award Recommendation

Grant Requests

1. Seaford District Library for security cameras
2. Greenwood Police Department for National Night Out

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2125 filed on behalf of RS Cordrey Farms, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS, SALE AND STORAGE (EXTENSION OF CONDITIONAL USE NO. 1242) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.0011 ACRES, MORE OR LESS” (lying on the northeast side of Cordrey Road, approximately 0.3 mile southeast of Mount Joy Road) (Tax I.D. No. 234-28.00-59.00 (portion of) and 234-28.00-60.00 (portion of) (911 Address: Not Available)

Conditional Use No. 2124 filed on behalf of Jeri Berc

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AGRICULTURAL EDUCATIONAL FACILITY WITH COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9785 ACRES, MORE OR LESS” (lying on the west side of Hudson Road approximately 400 feet south of Eagles Crest Road) (Tax I.D. No. 235-22.00-424.00) (911 Address: 16040 Hudson Road, Milton)

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountytde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 15, 2018 at 4:20 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 15, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 15, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 274 18
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Minutes

The minutes of May 1, 2018 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger expressed appreciation for the added detail provided on Board of Adjustment agendas. Mr. Reiger also referenced comments made by representatives of the Delaware Department of Agriculture at the May 9, 2018 Comprehensive Plan Workshop. Also, Mr. Reiger raised questions regarding the definition of a farm and what is permitted, property rights versus farmers rights; and variances permitted to the 5 foot setback rule.

Dan Kramer referenced comments made during the Comprehensive Plan Workshop on May 9, 2018 relating to an Agriculture District.

**Procla-
mation/
Community
Action
Month**

A Proclamation entitled "PROCLAIMING THE MONTH OF MAY AS *COMMUNITY ACTION MONTH*" was presented to Bernice Edwards, Executive Director, and Kaneisha Trott, Communications and Public Relations Specialist, of First State Community Action Agency.

**Appoint-
ments**

Mr. Lawson reported on vacancies and term expirations on the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities and the Library Advisory Board.

**M 275 18
Approve
Appoint-
ments to
Advisory
Committee
for Aging
and Adults
with
Physical
Disabilities**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Antoinette Wright-Johnson and Linda M. Forte to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities, effective immediately, for a term of two years.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 276 18
Approve
Appoint-
ments to
Library
Advisory
Board**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Rebecca Calio and Harriet Elliott to the Sussex County Library Advisory Board, effective immediately, until such time as the term expires in June 2020.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 21st at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Bill Peterson, Administrator, and Giulia Kirsch, Activity Director, Delaware Veterans Home, will be speaking on "New Innovative Memory Enhancement Approaches for Veterans." The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss planning for the annual conference. A copy of the agenda for each meeting is attached.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for April 2018 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 196 troopers assigned to Sussex County for the month of

**Administrator's
Report
(continued)**

April.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Tidewater Landing (aka Love Creek Landing) – Phase 1 (Plan Review and Construction Record), effective May 7th; Seagrove (aka Harlton) – Phase 2, effective May 8th; Marsh Farm Estates – Phase 1, effective May 9th; and Plantation Park Marina, effective May 9th.

4. Ruth Marvel

It is with sadness that we note the passing of county pensioner Ruth Marvel on Saturday, April 28th. Ms. Marvel began her career with Sussex County in May 1952 where she worked in the Tax Office until June 1953. Ms. Marvel returned to the county in July 1980 and retired from the Milton Library as the Library Director in July 1989, for a total of 10 years of service. We wish to extend our condolences to the Marvel family.

[Attachments to the Administrator's Report are not attachments to the minutes.]

**Conduent
Software
Agreement
Extension**

Mrs. Jennings, presented a recommendation to extend Conduent's (formerly known as ACS) agreement to end as of May 25, 2019. Conduent is used in both the Recorder of Deeds and Register of Wills as a document management system. Mrs. Jennings reported that both offices are going through an implementation process for a new software vendor and it has been determined that it is in the best interest of the County to extend the agreement with the current vendor until new systems are in place for both offices. No fees will be paid to Conduent once the County stops using their software and the agreement ensures that the County has Conduent's support through the transition.

**M 277 18
Extend
Conduent
Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council extends its Agreement with Conduent until May 25, 2019.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**MOU
with
Delaware
EMS**

Jeff Cox, Deputy Director of EMS, presented a recommendation to enter into a Memorandum of Understanding with the State of Delaware, Division of Public Health, Office of EMS for 100 percent reimbursement of direct costs up to \$33,000 in exchange for Sussex County EMS personnel teaching Narcan administration to public safety officers and Basic Life Support

MOU with Delaware EMS (continued)	ambulance services. This MOU would also allow reimbursement when speaking about the opioid epidemic to civic organizations and other health care and law enforcement organizations. This funding from the State is CDC grant pass-through funding. Sussex County EMS is the only EMS agency in Delaware to enter into this agreement.
M 278 18 Support MOU with Delaware EMS	<p>A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council supports the Memorandum of Understanding between Sussex County EMS and the State of Delaware Office of EMS for the pass-through grant funding for opioid education.</p> <p>Motion Adopted: 5 Years.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea</p>
RFP Results/ High Speed Internet/ Broadband Services	<p>Dwayne Kilgo, Director of Information Technology, reported on the results of the Request for Proposals (RFP) for high speed internet/broadband services. He noted that on April 10, 2018 the Council approved an Agreement for Incentivizing Wireless Internet Service Providers (WISP) to expand broadband in Sussex County. The Agreement authorized any WISP access to all County-owned vertical assets (e.g. towers) and/or access to up to two (2) State-owned towers. Mr. Kilgo stated that the County received numerous responses to the RFP and has awarded the RFP to four WISP: BridgeMaxx, Bloosurf, Nuvisions/Broad Valley, and DelmarvaVOIP/Conxx.</p>
Agreement with Town of Georgetown for Wastewater Services	<p>Hans Medlarz, County Engineer, reviewed an Agreement for Wastewater Services between the Town of Georgetown and Sussex County for and on behalf of the Coastal Business Park & Coastal Airport. He reported that, currently, the County has two agreements with the Town for wastewater services: the Base Agreement for the Business Park and an Amendment for the (now known as) Coastal Business Park. Mr. Medlarz stated that the two agreements have been restructured; under the Proposed Agreement, the County will be billed in bulk at the in-town rate for the Coastal Business Park and the individual Coastal Airport entities will be billed directly by the Town at the out-of-town rate. He noted that additional capacity can be purchased by paying the applicable sewer impact fees at issuance and that given the limited availability of municipal sewer capacity, the Agreement allows for the surrender of capacity.</p>
M 279 18 Approve Agreement/ Town of Georgetown	<p>A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Agreement for Wastewater Services with the Town of Georgetown, as presented, and presents the alternate language for surrender of capacity under Article VII to the Town Council for consideration.</p>

**M 279 18
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Habitat for
Humanity
Lease
Agreement**

Mr. Medlarz reported on a small portion of land leased by Sussex County Habitat for Humanity (Habitat) at the Sussex County Angola Landfill Property (under various leases); the land is used for a storage site and has there is a warehouse building on the site.. The current Lease Agreement terminates July 29, 2018 and Habitat no longer has a use for the land or the warehouse building. The depreciated value for the existing building, per Habitat's records, is \$13,818.00; however, Habitat would consider a donation of \$7,500 in exchange for turning over ownership of the building to Sussex County. Mr. Medlarz stated that the Engineering Department recommends acquiring the building to relocate it for use at the County's Airport property.

**M 280 18
Cancel
Lease
Agreement/
Habitat for
Humanity**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the cancellation of the Lease Agreement with Habitat for Humanity, Inc. and the donation of \$7,500.00 for acquisition of the building remaining on the property.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Wastewater
Service
Agreement/
City of
Seaford**

Mr. Medlarz presented a Wastewater Service Agreement between the City of Seaford and Sussex County. He noted that the Seaford City Council has approved the updated agreement for the Blades/Western Sussex Area of the Sussex County Unified Sanitary Sewer District allowing for capacity set asides based on existing conditions and additional capacity purchases based on actual growth approved by the City Council including a specific municipal pretreatment provision.

**M 281 18
Approve
Wastewater
Service
Agreement/
City of
Seaford**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Wastewater Service Agreement with the City of Seaford, as presented and as approved by the Seaford City Council.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Grant
Requests**

Mrs. Jennings presented grant requests for the Council's consideration.

**M 282 18
Council-
manic
Grant**

Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the Delaware Community Foundation for Georgetown–Millsboro Rotary Club's Flags for Heroes project.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 283 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$3,500.00 from Mr. Arlett's Councilmanic Grant Account to the Gumboro Community Association for operating costs.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 284 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the American Legion Auxiliary Unit 28 for the poppy fund.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 285 18
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$3,000.00 (\$2,000.00 from Mr. Cole's Councilmanic Grant Account and \$1,000.00 from Mr. Arlett's Councilmanic Grant Account) to the Ocean View Historical Society for the Coastal Towns Museum project.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinance**

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (147 TOWNHOUSES) TO BE LOCATED ON A CERTAIN

(continued) **PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 47.7177 ACRES, MORE OR LESS” (Conditional Use No. 2142) filed on behalf of RH Orr, LLC, c/o Ribera Development, LLC (Tax I.D. No. 134-16.00-39.00) (911 Address: 34365 Central Avenue, Frankford). The Proposed Ordinance will be advertised for Public Hearing.**

**Council
Members’
Comments**

Council Members’ Comments

Mr. Cole raised questions about the definition of a farm.

**M 286 18
Go Into
Executive
Session**

At 10:48 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 10:50 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:23 p.m.

**M 287 18
Reconvene**

At 12:24 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to come out of Executive Session and reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea**

E/S Action

There was no action on Executive Session matters.

**M 288 18
Recess**

At 12:25 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:30 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 289 18
Reconvene**

At 1:33 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconvene.

Motion Adopted: 3 Yeas, 2 Absent.

**M 289 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Absent;
Mr. Vincent, Yea**

Mr. Cole joined the meeting.

Mr. Burton was absent for the afternoon session.

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Public
Hearing/
CU 2120**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1106 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS” (Conditional Use No. 2120) filed on behalf of PJM Properties, LLC (Tax I.D. No. 533-19.00-287.02) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on April 12, 2018 at which time action was deferred; on April 26, 2018, the Commission recommended approval, as follows:

- 1. Conditional Use No. 1106 was approved by Ordinance No. 1028 on May 23, 1995 to permit a boat storage yard, marine engine repair and boat painting.**
- 2. Although the entire property consisted of 5.706 acres, the prior approval limited the site to only 108 boat storage sites.**
- 3. Since 1995 the area has continued to develop, with more recreational boaters in the area than ever before. This includes the nearby Americana Bayside, a restricted residential development that limits on-site boat storage. As a result, the business has continued to grow, and more boat storage sites are needed.**
- 4. The ongoing use has not adversely impacted nearby residents or roadways, and no parties appeared in opposition to this request to expand the prior Conditional Use.**
- 5. Based on these reasons, it is appropriate to amend Condition No. 5 of Conditional Use No. 1106 and Ordinance No. 1028 to allow an additional 5,000 square foot boat repair building that may exceed one story or thirty feet in height, up to the height limit permitted in the AR-1 zone.**
- 6. It is also appropriate to amend Condition No. 8 of Conditional Use No. 1106 and Ordinance No. 1028 to allow no more than 300 boat storage**

**Public
Hearing/
CU 2120
(continued)**

sites and expanding the area of these sites onto the additional areas of the 5.7 acre site that are not currently being used.

7. The other conditions of Conditional Use No. 1106 and Ordinance No. 1028 shall remain in effect.
8. A revised Final Site Plan shall be submitted in accordance with these amendments for review and approval by the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated April 12, and 26, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

An exhibit packet was previously provided by the Applicant and distributed to Council members.

The Council found that Jim Fuqua, Attorney, was present with Mike Ferrari, owner of the company, on behalf of the application. They stated that this application requests the amendment of two conditions (Condition Nos. 8 and 5) that were placed on Conditional Use No. 1106, approved in 1995; that there were originally eight conditions; that the conditional use has been in operation for approximately 20 years; that Conditional Use No. 1106 authorized the use of a 5.7 acre parcel for boat storage and boat related services; that the requested condition amendments are to permit an expansion of the business; that the use serves the recreational needs of area residents; that the majority of the storage is seasonal use; and that most of the repair work will be done at another site (the Harpoon Hannah's marina site). Mr. Fuqua reviewed the two requested changes and stated that the original Condition No. 8 limited the number of boat storage sites to 108 and the Applicant is requesting that the number be increased to "not more than 300 boat storage sites" and the original Condition No. 5 stated that the repair building on the site shall not exceed one story or 30 feet in height and that the Applicant proposes constructing an additional new building; that the new building would be 50 feet by 80 feet and would be located immediately to the front of the existing building; that between the two buildings would be a covered canopy area and a concrete pad; and that the new building would be in compliance with Condition No. 5 in that it will not exceed one story or 30 feet in height.

There were no public comments.

The Public Hearing and public record were closed.

**M 290 18
Adopt
Ordinance
No. 2575**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2575 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONS OF APPROVAL

**M 290 18
Adopt
Ordinance
No. 2575/
CU 2120
(continued)**

FOR CONDITIONAL USE NO. 1106 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS” (Conditional Use No. 2120) filed on behalf of PJM Properties, LLC, based on the following:

- 1. Conditional Use No. 1106 was approved by Ordinance No. 1028 on May 23, 1995 to permit a boat storage yard, marine engine repair and boat painting.**
- 2. Although the entire property consisted of 5.706 acres, the prior approval limited the site to only 108 boat storage sites.**
- 3. Since 1995 the area has continued to develop, with more recreational boaters in the area than ever before. This includes the nearby Americana Bayside, a restricted residential development that limits on-site boat storage. As a result, the business has continued to grow, and more boat storage sites are needed.**
- 4. The ongoing use has not adversely impacted nearby residents or roadways, and no parties appeared in opposition to this request to expand the prior Conditional Use.**
- 5. Based on these reasons, it is appropriate to amend Condition No. 5 of Conditional Use No. 1106 and Ordinance No. 1028 to allow an additional 5,000 square foot boat repair building that may exceed one story or thirty feet in height, up to the height limit permitted in the AR-1 zone.**
- 6. It is also appropriate to amend Condition No. 8 of Conditional Use No. 1106 and Ordinance No. 1028 to allow no more than 300 boat storage sites and expanding the area of these sites onto the additional areas of the 5.7 acre site that are not currently being used.**
- 7. The other conditions of Conditional Use No. 1106 and Ordinance No. 1028 shall remain in effect.**
- 8. A revised Final Site Plan shall be submitted in accordance with these amendments for review and approval by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1848**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 22.53 ACRES, MORE OR LESS” (Change of Zone No. 1848) filed on behalf of R. Keller and Joann Hopkins.

The Planning and Zoning Commission held a Public Hearing on this application on April 12, 2018 at which time action was deferred. On April 26, 2018, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated April 12 and 26, 2018.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

An exhibit booklet was previously provided by the Applicant and distributed to Council members.

The Council found that James Fuqua, Attorney, was present with the Applicant, Keller Hopkins. They discussed the proposed use of the property for the relocation of the Applicant’s business; the conceptual layout of the site; water and sewer availability; a review of the area including other commercial zonings and commercial activities in the area; and site access from E. Redden Road. It was noted that DelDOT did not require a Traffic Impact Study at this time. It was also noted that the Applicant stated that there are no plans for the front five acres of the site at this time.

Public comments were heard.

Paul Reiger questioned if the rezoning would set a precedent at that intersection on Route 113.

There were no additional public comments and the Public Hearing was closed.

**M 291 18
Adopt
Ordinance
No. 2576/
CZ 1848**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2576 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 22.53 ACRES, MORE OR LESS” (Change of Zone No. 1848) filed on behalf of R. Keller and Joann Hopkins.

Motion Adopted: 4 Yeas, 1 Absent.

**M 291 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 292 18
Adjourn**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at
2:10 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}

SUSSEX COUNTY COUNCIL

BUDGET WORKSHOP

MAY 8, 2018

At 9:33 a.m., the Sussex County Council held a Budget Workshop at the Sussex County Emergency Operations Center in Georgetown for the purpose of discussing the proposed FY 2019 Budget.

The following were present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
I.G. Burton, III	Councilman
Samuel R. Wilson, Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director

Mr. Lawson stated that the purpose of the Budget Workshop is to hold an open discussion among the County Council, County Administrator, and staff regarding budget matters and initiatives which will affect the FY 2019 Budget.

An overview of FY 2018 Budget accomplishments and highlights of the proposed FY 2019 Budget were presented by Mr. Lawson. Department presentations were provided by the following departments: Emergency Medical Services, Information Technology, Community Development and Housing, Economic Development, Airport/Business Park, and Engineering (water and sewer).

No action was taken.

The workshop adjourned at 4:00 p.m.

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR
FISCAL YEAR 2019

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2019 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2019</u>
<u>Revenues:</u>	
<u>Taxes</u>	
Real Property - County	\$ 14,078,550
Real Property - Library	1,650,660
Realty Transfer	22,500,000
Fire Service	1,400,000
Penalties and Interest	135,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	160,000
Housing and Urban Development	1,604,879
Payments in Lieu of Taxes	5,700
State Grants	
Paramedic	3,892,366
Local Emergency Planning Commission	69,000
Library	341,000
Department of Health	10,000
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	160,000
Recorder of Deeds	3,500,000
Recorder of Deeds - Maintenance	39,000
Recorder of Deeds - Town Realty Transfer Tax	50,000
Register of Wills	1,075,000
Sheriff	2,500,000

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2019</u>
General Government Fees	
Building Permits & Zoning Fees	1,880,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	124,000
Building Inspection Fees	1,424,500
Airport Operations/Economic Development	536,000
Miscellaneous Fees	66,200
Private Road Review & Inspection Fees	1,039,550
<u>Miscellaneous Revenue</u>	
Fines and Forfeits	35,000
Investment Income	700,000
Miscellaneous Revenues	215,225
<u>Other Financing Sources</u>	
Interfund Transfers In	70,000
Appropriated Reserve	14,321,000
<u>Total Revenues</u>	<u>\$ 74,142,260</u>

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2019 is as follows:

<u>Expenditures</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2019</u>
<u>General Government</u>	
County Council	\$ 700,874
Administration	487,803
Legal	500,000
Finance	2,044,869
Assessment	1,923,654
Building Code	1,017,762
Mapping and Addressing	910,111
Human Resources & General Employment	1,003,023
Records Management	258,512
Building and Grounds	2,167,930
Information Technology	1,720,183
Constable	1,192,431

<u>Expenditures (continued)</u>	<u>Amount Year Ending June 30, 2019</u>
<u>Planning and Zoning</u>	1,830,397
<u>Paramedics</u>	16,218,192
<u>Emergency Preparedness</u>	
Administration	655,675
Emergency Operations	2,493,397
Communications	393,389
Local Emergency Planning Committee	83,355
<u>Engineering</u>	
Engineering Administration	919,348
Public Works	902,224
<u>Library</u>	
Administration	772,034
Operations	2,457,747
<u>Economic Development</u>	
Economic Development	294,236
Safety and Security	578,011
Airport and Business Park	939,637
<u>Community Development</u>	2,143,906
<u>Grant-in-aid</u>	15,196,049
<u>Constitutional Offices</u>	
Marriage Bureau	234,809
Recorder of Deeds	1,096,673
Register of Wills	694,289
Sheriff	626,240
<u>Other Financing Uses</u>	
Transfers Out	85,500
Additional Pension Contribution	10,000,000
Reserve for Contingencies	1,600,000
<u>Total Expenditures</u>	<u>\$ 74,142,260</u>

Section 3. The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees and miscellaneous fee increases from fiscal year 2018 for the Fiscal Year Ending June 30, 2019 is as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.

- (b) Firemen's Enhancement Funding Program – Building Permit surcharge of one-quarter of one percent (.25%) of construction values.
- (c) Cluster Fee for density bonus.
- 1.) The Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
 - 2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
 - 3.) For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.

Section 4. Sussex County Code Chapter 99 and Chapter 110 Miscellaneous Fee and Charges Schedule is as follows:

Area	Fee Description	Fee	Unit of Measure
Public Works	Plan Review Fees - Chapter 99 - Subdivision - Flat fee for (2) reviews of submitted plans	\$2,500.00	Flat Fee
Public Works	Plan Review Fees - Chapter 99 - Subdivision - Per unit for (2) reviews of submitted plans	\$42.00	Per Unit (addition to Flat Fee)
Public Works	Plan Review Fees - Chapter 99 - Third Additional reviews - after first (2) Subdivision reviews	60%	Original Plan Review fees
Public Works	Plan Review Fees - Chapter 99 - Fourth Additional reviews - after first (3) Subdivision reviews	50%	Original Plan Review fees
Public Works	Plan Review Fees - Chapter 99 - Fifth Additional reviews - after first (4) Subdivision reviews	40%	Original Plan Review fees
Public Works	Plan Review Fees - Plan Revisions - Chapter 99 - After obtaining County approval.	\$1,000.00	Each
Public Works	Field Inspection Fees - Chapter 99	7%	Based on Accepted Construction Cost Estimates (independently verified)
Public Works	Field Inspection - Overtime - Holiday or Weekend hours	\$50.00	Per Hour
Utility Enterprise	Damage to County Infrastructure from outside sources.	Varies	Actual Cost or Equipment rates based on FEMA Schedule
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Flat fee including (2) reviews of submitted plans	\$2,000.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per Unit including (2) reviews of submitted plans	\$20.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Flat fee including (2) reviews of submitted plans	\$1,500.00	Flat Fee

Department - Area	Fee Description	Fee	Unit of Measure
Utility Enterprise	Plan Review Fees -Chapter 110 - Third Additional reviews - after first (2) Sewer/Water plan review	60%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fourth Additional reviews - after first (3) Sewer/Water plan review	50%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110- Fifth Additional reviews - after first (4) Sewer/Water plan review	40%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Plan Revisions - Chapter 110 - After obtaining County approval.	\$1,000.00	Each
Utility Enterprise	Pump Station Review Fees – Chapter 110	\$2,000.00	Flat Fee including 2 reviews of submitted plans
Utility Enterprise	Field Inspection Fees - Chapter 110	15%	Based on Accepted Construction Cost Estimates (independently verified)
Utility Enterprise	Rescheduled connection inspections - each additional field inspection required due to contractor's methods, no call/no show, or cancellation within 2 hours of scheduled appointment	\$100.00	Per Occurrence
Utility Enterprise	Field Inspection - Overtime	\$50.00	Per Hour
Utility Enterprise	Sewer/Water Connection Permits	\$100.00	Per Permit
Utility Enterprise	Availability fee for Private Fire Service	\$250.00	Annually
Utility Enterprise	Waste hauler's annual septage discharge license fee	\$250.00	Annually
Utility Enterprise	Waste hauler fee - Septage Treatment Charges	\$0.070	Per gallon
Utility Enterprise	Wastewater Holding Tank Permit	\$100.00	Each
Utility Enterprise	Water Turn Off or On Fee	\$300.00	Each
Utility Enterprise	Bulk Water User Permit (Usage Fees charged separately)	\$50.00	Each
Utility Enterprise	Bulk Water Usage Fee - First 5,000 Gallons	\$25.00	5,000 Gallons
Utility Enterprise	Bulk Water Usage Fee - 5,001 Gallons and Up	\$4.00	1,000 Gallons
Utility Enterprise	Industrial Wastewater Discharge Permit	\$500.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Amendment	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Variance(s)	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - User Annual Monitoring Fee	\$250.00	Annually

Area	Fee Description	Fee	Unit of Measure
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2 Acres or Less	\$500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2.1 - 9.9 Acres	\$750.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 10 - 150.0 Acres	\$1,500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - Over 150.0 Acres	\$2,500.00	Each
Utility Enterprise	Sewer Service Concept Evaluation Fee	\$1,000.00	Each
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges
Utility Enterprise	Water Availability Fee	100%	Annual Service Charges

Section 5. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2019 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year Ending June 30, 2019</u>
Appropriated Reserves	\$ 6,602,500
Federal Grant	4,500,000
Interfund Transfer (RTT)	5,000,000
Investment Income	20,000
State Grant	500,000
<u>Total Revenues and Other Financing Sources</u>	<u>\$ 16,622,500</u>

Expenditures:

Administrative	
Building and Building Improvements	\$ 2,602,500
Information Technology Infrastructure	1,200,000
Land Acquisition/Improvements	1,400,000
Airport and Industrial Park	
Stormwater Improvements	400,000
Electrical Upgrades	475,000
Water Plant Improvements	250,000
Building Improvements	150,000
Aeronautical Obstruction	25,000
RW 10-28 Parallel Taxiway	5,000,000
Industrial Park Improvements	2,400,000

	<u>Amount Year Ending June 30, 2019</u>
<u>Expenditures (continued):</u>	
Engineering	
Landfill Property Acquisition	750,000
Libraries	
Infrastructure	470,000
Public Safety	
Public Safety Building	250,000
Stations and Property Acquisition	1,250,000
	<hr/>
<u>Total Capital Improvement Expenditures</u>	<u>\$ 16,622,500</u>

Section 6. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2019 is as follows:

	<u>Amount Year Ending June 30, 2019</u>
<u>Revenues and Other Financing Sources</u>	
Operating Revenues	
Service Charges	\$ 22,381,017
Holding Tank Fees	300,000
Licenses, Permit, and Review Fees	960,000
Miscellaneous Fees	483,240
Non-Operating Revenues	
Assessment Charges	8,791,723
Capitalized Ord. 38 Fees	1,600,000
Connection Fees	3,282,569
Investment Results	434,620
Miscellaneous Revenues	200,000
Other Financing Sources	
Available Funds	173,973
Transfers	85,500
	<hr/>
<u>Total Revenues and Other Financing Sources</u>	<u>\$ 38,692,642</u>
<u>Expenses:</u>	
Administrative Costs	\$ 7,842,437
Operations and Maintenance Costs	13,294,400
Capital Expenditures	5,358,000
Debt Service	12,197,805
	<hr/>
<u>Total Expenses and Debt Service</u>	<u>\$ 38,692,642</u>

Section 7. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 8. The County Pay Plan and Salary Structure for Fiscal Year Ending June 30, 2019 shall be adopted by with this Ordinance.

Grade	Minimum	Midpoint	Maximum
1	\$ 20,802	\$ 26,003	\$ 31,203
2	\$ 21,842	\$ 27,302	\$ 32,763
3	\$ 22,934	\$ 28,667	\$ 34,402
4	\$ 24,081	\$ 30,101	\$ 36,121
5	\$ 25,285	\$ 31,606	\$ 37,928
6	\$ 26,549	\$ 33,187	\$ 39,824
7	\$ 27,877	\$ 34,845	\$ 41,815
8	\$ 29,270	\$ 36,588	\$ 43,906
9	\$ 30,734	\$ 38,417	\$ 46,101
10	\$ 32,271	\$ 40,338	\$ 48,406
11	\$ 33,884	\$ 42,356	\$ 50,827
12	\$ 35,579	\$ 44,473	\$ 53,367
13	\$ 37,358	\$ 46,697	\$ 56,036
14	\$ 39,225	\$ 49,031	\$ 58,838
15	\$ 41,187	\$ 51,482	\$ 61,779
16	\$ 43,246	\$ 54,057	\$ 64,868
17	\$ 45,408	\$ 56,760	\$ 68,112
18	\$ 47,678	\$ 59,598	\$ 71,517
19	\$ 50,063	\$ 62,578	\$ 75,093
20	\$ 52,566	\$ 65,706	\$ 78,848
21	\$ 55,193	\$ 68,992	\$ 82,790
22	\$ 57,953	\$ 72,441	\$ 86,930
23	\$ 60,851	\$ 76,063	\$ 91,277
24	\$ 63,894	\$ 79,867	\$ 95,840
25	\$ 67,088	\$ 83,860	\$ 100,632
26	\$ 70,442	\$ 88,054	\$ 105,664
27	\$ 73,964	\$ 92,456	\$ 110,947
28	\$ 77,663	\$ 97,079	\$ 116,494
29	\$ 81,546	\$ 101,933	\$ 122,319
30	\$ 85,623	\$ 107,030	\$ 128,435
31	\$ 89,905	\$ 112,381	\$ 134,857
32	\$ 94,400	\$ 118,000	\$ 141,599
33	\$ 99,120	\$ 123,899	\$ 148,679
34	\$ 104,076	\$ 130,095	\$ 156,114

Section 9. The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 10. This Ordinance shall become effective on July 1, 2018.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF
ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ST
DAY OF JUNE 2018.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge and annual assessment rate for distribution and transmission and/or treatment for the Dewey Beach Water District are established as follows:

- A. For an annual service charge: \$312.00 per EDU;

Section 2. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$292.00 per EDU;
- B. For distribution, an assessment rate per billable front foot: see below; and
- C. For transmission and/or treatment, an assessment rate per billable front foot: see below.

<u>Area</u>	Annual Assessment Charge		
	Distribution Or Collection \$/foot	Transmission And/or Treatment \$/foot	Total \$/foot
OCEAN WAY ESTATES I & II	2.29	.00	2.29
OCEAN VIEW EXPANSION	2.82	.86	3.68
CEDAR NECK EXPANSION	2.61	.78	3.39
NORTH MILLVILLE EXPANSION	3.92	.58	4.50
FENWICK ISLAND SEWER	.28	.04	.32
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
HOLTS LANDING SEWER	.68	2.36	3.04
THE GREENS AT INDIAN RIVER SUBDISTRICT ²	5.23	2.36	7.59
LONG NECK SEWER	2.86	.19	3.05
DAGSBORO-FRANKFORD SEWER	.38	.22	.60

PRINCE GEORGE'S ACRES SUBDISTRICT ³	4.63	.22	4.85
WEST REHOBOTH SEWER EXPANSION	1.48	.84	2.32
MILLER CREEK SEWER	6.07	.57	6.64
ELLENDALE SEWER	.96	.92	1.88
NEW MARKET VILLAGE SUBDISTRICT ¹	3.97	.92	4.89
OAK ORCHARD SEWER	2.16	2.19	4.35
EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	4.10	2.67	6.77
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.45	3.13	6.58
ANGOLA NORTH SEWER	.95	8.05	9.00
GOLF VILLAGE SEWER	1.47	0.00	1.47
WOODLANDS OF MILLSBORO	0.00	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55
BLADES – CONCORD ROAD AREA SEWER	0.00	4.24	4.24
<u>Notes:</u> 1. Part of the Ellendale Sanitary Sewer District. 2. Part of the Holts Landing Sanitary Sewer District. 3. Part of the Dagsboro-Frankford Sanitary Sewer District. “foot” means assessable footage “EDU” means equivalent dwelling unit			

- D. Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.
- E. For a connection charge per equivalent dwelling unit, see below:

District	Connection Charge		Total System Connection Charge \$/EDU
	Transmission \$/EDU	Treatment \$/EDU	
DEWEY BEACH WATER	1,155	0	1,155
UNIFIED SEWER	2,480	3,880	6,360
BLADES SEWER	1,071	2,499	3,570
ELLENDALE SEWER	2,400	5,600	8,000
GOLF VILLAGE SEWER ¹	-	-	-
WOODLANDS OF MILLSBORO ²	-	-	-
<u>Notes:</u> 1. Amount equal to the Town of Georgetown's Impact Fee. 2. Amount equal to the Town of Millsboro's Impact Fee.			

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

- A. For a one-time septic installation charge, per equivalent dwelling unit:
\$2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2018.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

ORDINANCE NO. __

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62 ("FEES"), ARTICLE VI ("RECORDER OF DEEDS") REGARDING ONLINE DOCUMENT RETRIEVAL FEES.

WHEREAS, Sussex County permits the public to access various online public records from the Office of the Recorder of Deeds in and for Sussex County; and

WHEREAS, Sussex County Code, Chapter 62 sets forth the fees associated with the document retrieval for these online records; and

WHEREAS, Sussex County wishes to amend the online document retrieval fee structure set forth in the Sussex County Code, as follows.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 62, Article VI, Section 62-18 ("Enumeration of Fees") shall be amended by the addition of the underlined language and deletion of the language in brackets, as follows:

§ 62-18. Enumeration of fees.

(a) ...

(b) ...

(c) The following fees are hereby established for [Internet search,] Internet document retrieval [and Internet printing services and payment for such services], as follows:

(1) Monthly Subscriber charges for unlimited downloading of documents:

(a) [Per index search: no charge for index search.] Single-user login fee: \$50.00.

(b) [Per page printed: \$0.25 per page.] Enterprise fee, up to 10 logins/users: \$300.00.

[(c) Monthly subscriber fee: \$50 per month.]

(2) Nonsubscriber charges: per document downloaded: \$1.00.

[(a) Per index search: no charge for index search.]

[(b) Per page printed: \$1 per page printed.]

(3) [The Recorder of Deeds shall establish a standard subscriber agreement to be signed by persons or entities desiring to execute a subscriber agreement and the payment of the monthly fee specified above, which will entitle them to print copies of documents at the discounted per page rate set

forth above.] The Recorder of Deeds shall establish a standard subscriber agreement that requires payment of a monthly fee for the subscriber option selected, entitling subscribers to download unlimited copies of documents at the monthly rate set forth above. The subscriber agreement must be executed by the subscriber(s) and may provide options for payment on a monthly, quarterly or annual basis.

(4) The Recorder of Deeds shall establish and maintain an online payment system that will permit users of the digitized document search and retrieval system to pay for services provided to them using [through the use of] debit or credit cards or other commercially acceptable electronic payment methods.

Section 2. The effective date of this Ordinance shall be July 1, 2018.

Synopsis

This Ordinance modifies the fee structure for the online document retrieval services of the Office of the Recorder of Deeds in and for Sussex County. Under this Ordinance, non-subscribers are charged \$1.00 for each document downloaded. Subscribers can sign an agreement for unlimited downloads on a monthly basis. A single-user subscriber account will cost \$50.00 per month and a multiple-user subscriber account, for up to ten users, will cost \$300.00 per month.

1 AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER
2 110, BY DELETING THAT CHAPTER IN ITS ENTIRETY AND AMENDING
3 AND RESTATING IT IN ITS ENTIRETY.

4 WHEREAS, Chapter 110 of the Code of Sussex County currently regulates,
5 among other things, the design, construction, oversight, fees, usage, etc. of sewer
6 systems, septic system abandonment and county-owned water systems; and

7 WHEREAS, in 2016, Sussex County adopted a Unified Sewer District for all
8 County owned and operated sewer districts which created the need to amend Chapter
9 110 of the Code of Sussex County for consistency with the new Unified District; and

10 WHEREAS, in 2017 Sussex County adopted the ability to bill by Equivalent
11 Dwelling Units instead of front footage measurements; and

12 WHEREAS, the Sussex County Finance Department has determined that the
13 current method of calculating Sewer Connection Charges should be updated and
14 revised; and

15 WHEREAS, the County Engineering Department has developed a method of
16 utilizing existing infrastructure capacity for new development, and this method must
17 be integrated into Chapter 110; and

18 WHEREAS, the County Engineering Department, with the County
19 Department of Finance, has recommended a lowered EDU category for multi-family
20 units; and

21 WHEREAS, the County Engineering Department has developed a Tier
22 System to better regulate and plan for the construction of both County owned and
23 operated sewer systems and publicly regulated private utility systems; and

24 WHEREAS, The County Engineering Department has performed a “peer
25 review” of the existing Chapter 110 and the proposed changes set forth herein; and

26 WHEREAS, the County Engineering Department has recommended that all
27 of Chapter 110 be reviewed for better consolidation and organization, having been
28 amended in a piecemeal fashion for several decades; and

29 WHEREAS, it is in the best interests of the County and its residents and
30 businesses to amend and restate the entire Chapter 110 rather than make numerous
31 separate amendments to it; and

WHEREAS, this complete amendment and restatement of Chapter 110 of the Code of Sussex County is intended to supersede the prior Chapter 110 and all policies related to the application of it; and

WHEREAS, the amended and restated Chapter 110 of the Code of Sussex County is supported by both the County Engineering Department and the County Department of Finance; and

WHEREAS, the existing Chapter 110 of the Code of Sussex County is deleted in its entirety as shown hereafter in [brackets], and the new amended and restated Chapter 110 of the Code of Sussex County is inserted as shown in *italics and underscored*; and

WHEREAS, these amendments will promote the health, safety and welfare of Sussex County and its residents and businesses.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 110, is hereby deleted in its entirety, as follows:

[PART 1: SEWER USE

§ 110-1 Deposit of certain wastes. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property in any area served by a Sussex County sanitary sewer or a Sussex County water and sanitary sewer district any human or animal excrement, garbage or other objectionable waste.

§ 110-2 Discharges to natural outlets. It shall be unlawful to discharge to any natural outlet in any area served by a Sussex County sanitary sewer district or a Sussex County water and sanitary sewer district any sewage or other polluted waters.

§ 110-3 Use of privies, privy vaults, septic tanks and cesspools. Where public sewers are provided in an area served by a Sussex County sanitary sewer district, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 110-4 Connection to public sewer required.

62 **A.** The owners of all houses, buildings or properties used for human occupancy,
63 employment, recreation or other purposes situated within an area served by a Sussex
64 County sanitary sewer district or a Sussex County water and sanitary sewer district
65 and abutting on any street, alley or right-of-way in which there is now located or
66 may in the future be located a public sanitary or combined sewer of the county are
67 hereby required at their expense to install suitable toilet facilities therein and to
68 connect such facilities directly with the proper public sewer in accordance with the
69 provisions of this Part 1 within 60 days after the date of official notice to do so and
70 to make such connections in accordance with the Interim Code for Building Sewer
71 and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and
72 Sussex County Water and Sanitary Sewer Districts, Article VII of this Part 1.

73 **B.** At such time as a public sewer becomes available to a property served by a private
74 sewage disposal system in an area served by a Sussex County sanitary sewer district
75 or Sussex County water and sanitary sewer district, a direct connection shall be made
76 to the public sewer, and any septic tanks, cesspools and similar private sewage
77 disposal facilities shall be abandoned and filled with suitable material.

78 **C.** The provisions of Subsections A and B of this section shall not apply to those
79 houses and buildings situated within Sussex County sanitary sewer districts which
80 the Sussex County Council determines are subject to restrictions imposed by the
81 Farmers Home Administration prohibiting sewer connections within areas
82 designated as one-hundred-year-flood zones.

83 **Article II: Building Sewers and Connections**

84 **§ 110-5 Permit required.** No unauthorized person shall uncover, make any
85 connections with or opening into, use, alter or disturb any public sewer or
86 appurtenance thereof without first obtaining a permit from the county.

87 **§ 110-6 Classes of building sewer permits; permit applications.**

88 **A.** There shall be two classes of building sewer permits.

89 **(1)** For residential and commercial service.

90 **(2)** For service to establishments producing industrial wastes.

91 **B.** Permit applications.

(1) In the case of residential and commercial service, the application for a permit will be made in person by the plumber, duly licensed in the State of Delaware, who will install or supervise the installation of the building sewer. The application for a permit shall be made on forms furnished by the county and shall be supplemented by plans and specifications and shall be signed by the licensed plumber and the owner of the building having the building sewer connected thereto.

(2) In case of service for establishments producing industrial wastes, the application for a permit shall be made by the owner or his authorized agent. The application for a permit shall be made on forms furnished by the county and shall be supplemented by plans and specifications and other information considered pertinent in the judgment of the Engineer.

§ 110-7 Expenses; indemnification of county. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the county from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 110-8 Separate building sewers required. A separate and independent building sewer shall be provided for every dwelling, building or property used for human occupancy, employment, recreation or other purpose. A building sewer shall not service more than one:

A. Dwelling house, either detached or one side of a double house or house in a row of houses, provided that a garage, a guest house and similar features incidental to the family life shall be considered as a portion of the dwelling.

B. Industrial, commercial or manufacturing establishment.

C. Building separated from adjacent buildings by a party wall or walls and comprising apartments, stores, offices or any combination thereof.

D. Detached building comprising apartments, stores, offices or any combination thereof.

E. Establishment consisting of individual dwelling units under the management of a single commercial or cooperative entity.

§ 110-9 Use of old building sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Engineer, to meet all requirements of this Part 1.

§ 110-10 Materials and methods. The connection of the building sewer into the public sewer and the size, slope, alignment and materials of construction of the building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sewer Districts and Sussex County Water and Sanitary Sewer Districts, Article VII of this Part 1.

§ 110-11 Connection of building sewer to public sewer. The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Engineer or his authorized representative.

§ 110-12 Excavations. All excavations for building sewer installation shall be adequately guarded with barricades and barricades and lights at night so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the county.

§ 110-13 Definitions; word usage; abbreviations.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 1, shall have the meanings hereinafter designated:

ACT or THE ACT The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

May be:

(1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMLCAL OXYGEN DEMAND (BOD) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration [Milligrams per liter (mg/l)].

BUILDING SEWER A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS National Categorical Pretreatment Standards or pretreatment standards.

CONTROL AUTHORITY The approval authority, defined hereinabove, or, if the County has adopted an approved pretreatment program under the provisions of 40 CFR 403.11, the official designated therein.

COOLING WATER The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COUNTY The County of Sussex, State of Delaware, or the County Council of Sussex.

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) The agency responsible for monitoring all discharges to the surface and ground waters of the State of Delaware.

DIRECT DISCHARGE The discharge of treated or untreated wastewater directly to the waters of Sussex County or the State of Delaware.

ENGINEER The duly appointed County Engineer designated by the county pursuant to Title 9 of the Delaware Code, who is the person designated to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part 1.

ENVIRONMENTAL PROTECTION AGENCY or EPA The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

GRAB SAMPLE A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE Any waste from holding tanks, such as vessels, chemical toilets, campers, manufactured homes, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW, including holding-tank waste discharged into the system.

INDUSTRIAL USER A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342.).

INTERFERENCE The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the county's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA), applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342.).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403-5.

NEW SOURCE Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317)

218 Categorical Pretreatment Standard which will be applicable to such source, if such
219 standard is thereafter promulgated within 120 days of proposal in the Federal
220 Register. Where the standard is promulgated later than 120 days after proposal, a
221 "new source" means any source, the construction of which is commenced after the
222 date of promulgation of the standard.

223 **PERSON** Any individual, partnership, copartnership, firm, company, corporation,
224 association, joint-stock company, trust, estate, governmental entity or any other legal
225 entity or their legal representatives, agents or assigns. The masculine gender shall
226 include the feminine, and the singular shall include the plural where indicated by the
227 context.

228 **pH** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions
229 expressed in grams per liter of solution.

230 **POLLUTANT** Any dredged spoil, solid waste, incinerator residue, sewage
231 garbage, sewage sludge, munitions, chemical wastes, biological materials,
232 radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt
233 and industrial, municipal and agricultural waste discharged into water.

234 **POLLUTION** The man-made or man-induced alteration of the chemical, physical,
235 biological and radiological integrity of water.

236 **POTW TREATMENT PLANT** That portion of the POTW designed to provide
237 treatment to wastewater.

238 **PRETREATMENT REQUIREMENTS** Any substantive or procedural
239 requirement related to pretreatment, other than a National Pretreatment Standard
240 imposed on an industrial user.

241 **PRETREATMENT STANDARD** See definition of "National Categorical
242 Pretreatment Standard" above.

243 **PRETREATMENT or TREATMENT** The reduction of the amount of pollutants,
244 the elimination of pollutants or the alteration of the nature of pollutant properties in
245 wastewater to a less harmful state prior to or in lieu of discharging or otherwise
246 introducing such pollutants into a POTW. The reduction or alteration can be
247 obtained by physical, chemical or biological processes or process changes by other
248 means, except as prohibited by 40 CFR 403.6(d).

PUBLICLY OWNED TREATMENT WORKS (POTW) A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the county. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this Part 1, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the county who are, by contract or agreement with the county, users of the county's "POTW."

SIGNIFICANT INDUSTRIAL USER Any industrial user of the county's wastewater disposal system who has a discharge flow of 9,000 gallons or more per average workday or has a flow greater than 5% of the flow in the county's wastewater treatment system or has, in his wastes, toxic pollutants as defined pursuant to Section 307 of the Act or is found by the county, Delaware DNREC or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE The State of Delaware.

STORMWATER Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

TOXIC POLLUTANT Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

USER Any person who contributes, causes or permits the contribution of wastewater into the county's POTW.

WASTEWATER The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER CONTRIBUTION PERMIT As set forth in §§ 110-26 through 110-31 of this Part 1.

WATERS OF THE STATE All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

B. Word usage. "Shall" is mandatory; "may" is permissive.

C. Abbreviations. The following abbreviations shall have the designated meanings:

BOD — Biochemical oxygen demand.

CFR — Code of Federal Regulations.

COD — Chemical oxygen demand.

DNREC — Department of Natural Resources and Environmental Control of the State of Delaware.

EPA — Environmental Protection Agency.

l — Liter.

mg — Milligrams.

mg/l — Milligrams per liter.

NPDES — National Pollutant Discharge Elimination System.

POTW — Publicly owned treatment works.

SIC — Standard Industrial Classification.

SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901 et. seq.

TSS — Total suspended solids.

USC — United States Code.

§110-14 General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

298 **A.** Any liquids, solids or gases which, by reason of their nature or quantity, are or
299 may be sufficient, either alone or by interaction with other substances, to cause fire
300 or explosion or be injurious in any other way to the POTW or to the operation of the
301 POTW. At no time shall two successive readings on an explosion hazard meter at
302 the point of discharge into the system (or at any point in the system) be more than
303 5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
304 No person shall discharge any prohibited materials to any public sewer or POTW.
305 Prohibited materials include but are not limited to gasoline, kerosene, naphtha,
306 benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates,
307 perchlorates, bromates carbides, hydrides and sulfides and any other substances
308 which the county, the state or the EPA has notified the user are a fire hazard or a
309 hazard to the system.

310 **B.** Solid or viscous substances, either whole or ground by garbage grinders, which
311 may cause obstruction to the flow in a sewer or other interference with the operation
312 of the wastewater treatment facilities, such as but not limited to grease, garbage with
313 particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch
314 manure, bones, hair, hides or fleshings entrails, whole blood, feathers, ashes, cinders,
315 sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings,
316 rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues,
317 residues from refining or processing of fuel or lubricating oil, mud or glass grinding
318 or polishing wastes.

319 **C.** Any wastewater having a pH less than 5.5 or greater than 9.5 or wastewater
320 having any other corrosive property capable of causing damage or hazard to
321 structures, equipment and/or personnel of the POTW.

322 **D.** Any wastewater containing toxic pollutants in sufficient quantity, either singly
323 or by interaction with other pollutants, to injure or interfere with any wastewater
324 treatment process, constitute a hazard to humans or animals, create a toxic effect in
325 the receiving waters of the POTW or exceed the limitation set forth in a Categorical
326 Pretreatment Standard. A toxic pollutant shall include but not be limited to any
327 pollutant identified pursuant to Section 307(a) of the Act.

328 **E.** Any noxious or malodorous liquids, gases or solids which, either singly or by
329 interaction with other wastes, are sufficient to create a public nuisance or hazard to
330 life or are sufficient to prevent entry into the sewers for maintenance and repair.

331 **F.** Any substance which may cause the POTW's effluent or any other product of
332 the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and
333 reuse or to interfere with the reclamation process. In no case shall a substance
334 discharged to the POTW cause the POTW to be in noncompliance with sludge use
335 or disposal criteria, guidelines or regulations developed under Section 405 of the
336 Act; or any criteria, guidelines or regulations affecting sludge use or disposal
337 developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic
338 Substances Control Act or state criteria applicable to the sludge management method
339 being used.

340 **G.** Any substance which will cause the POTW to violate its NPDES and/ or state
341 disposal system permit or the receiving water quality standards.

342 **H.** Materials which exert or cause:

343 **(1)** Unusual concentrations of dissolved solids (such as, but not limited to,
344 sodium chloride and sodium sulfate.)

345 **(2)** Excessive discoloration (such as, but not limited to, dye wastes and
346 vegetable tanning solutions).

347 **(3)** A biochemical oxygen demand (BOD) or chemical oxygen demand
348 (COD) greater than 300 mg/l as determined from analysis of a twenty-four-hour
349 composite sample.

350 **(4)** A suspended solid load greater than 300 mg/l as determined from analysis
351 of a twenty-four-hour composite sample.

352 **(5)** An average chlorine demand greater than 15 parts per minute.

353 **I.** Any wastewater or vapor having a temperature which will inhibit biological
354 activity in the POTW treatment plant resulting in interference, but in no case
355 wastewater with a temperature at the introduction into the POTW pipelines which
356 exceeds 150° F. or an average temperature over an eight-hour period greater than
357 100° F. or at the introduction to the treatment plant which increases the temperature
358 of the wastewater entering the treatment plant to above 104° F. (40° C.).

359 **J.** Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at
360 a flow rate and/or pollutant concentration which a user knows or has reason to know
361 will cause interference to the POTW. In no case shall a slug load have a flow rate or
362 contain concentrations or qualities of pollutants that exceed, for any time period
363 longer than 15 minutes, more than five times the average twenty-four-hour
364 concentration, quantities or flow during normal operation.

365 **K.** Any wastewater containing any radioactive wastes or isotopes of such half-life
366 or concentration as may exceed limits established by the County Engineer in
367 compliance with applicable state or federal regulations.

368 **L.** Any garbage that has not been properly shredded. The installation and operation
369 of any garbage grinder equipped with a motor of 3.4 horsepower (0.76 horsepower
370 metric) or greater shall be subject to the review and approval of the Engineer.

371 **M.** Any waters or wastes containing strong-acid iron-pickling wastes or
372 concentrated plating solutions, whether neutralized or not, unless covered under the
373 National Categorical Pretreatment Standard.

374 **N.** Any waters or wastes containing iron, chromium, copper, zinc and similar
375 objectionable or toxic substances or wastes exerting an excessive chlorine
376 requirement, to such degree that any such material received in the composite sewage
377 at the sewage treatment works exceeds the limits established by the Engineer for
378 such materials, or which creates any hazard in the receiving water of the treatment
379 plant. The following substances are not permitted in concentrations above those
380 listed. By amendment to this Part 1, restrictions may also be placed on other
381 substances, or the present concentration limits revised, when it is shown that the
382 presence of these substances or concentrations at the treatment plant is sufficient to
383 adversely affect any portion of the treatment process.

Maximum Allowable Concentration	
Substance	(mg/l)
Arsenic as As	0.5
Cadmium as Cd	0.4
Chromium (hexavalent) as Cr	0.2
Cyanide as Cn	0.5
Lead as Pb	0.5

Substance	Maximum Allowable Concentration (mg/l)
Copper as Cu	1.0
Mercury as Hg	0.5
Nickel as Ni	2.0
Zinc as Zn	5.0
Total toxic organics (phenols, acetone, chlorinated hydrocarbons, etc.)	2.1

O. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

P. Any wastewater which causes a hazard to human life or creates a public nuisance.

§ 110-15 Pretreatment.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 110-14 of this Article and which, in the judgment of the Engineer or as required by the National Pollutant Discharge Elimination System (NPDES), SWDA, DNREC, National Categorical Pretreatment Standard and/or approval authority, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Engineer shall:

(1) Require that the waste discharge be stopped or reject the application to discharge proposed waste;

(2) Require pretreatment in compliance with National Categorical Pretreatment Standards before discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

410 (4) Require payment to cover the added cost of handling and treating the
411 wastes not covered by existing taxes or Sewer Charge Ordinances.

412
413 **B.** If the Engineer permits the pretreatment or equalization of waste flows, the
414 design and installation of the plants and equipment shall be subject to the review and
415 approval of the Engineer and subject to the requirements of all applicable codes,
416 ordinances and laws.

417
418 **§ 110-16 Interceptors.** Grease, oil and sand interceptors shall be provided when, in
419 the opinion of the Engineer, they are necessary for the proper handling of liquid
420 wastes containing grease in excessive amounts or any flammable wastes, sand or
421 other harmful ingredients, except that such interceptors shall not be required for
422 private living quarters or dwelling units. All interceptors shall be of a type and
423 capacity approved by the Engineer and shall be located as to be readily and easily
424 accessible for cleaning and inspection.

425
426 **§ 110-17 Maintenance of pretreatment facilities.** Where preliminary treatment or
427 flow-equalizing facilities are provided for any waters or wastes, they shall be
428 maintained continuously in satisfactory and effective operation by the owner, at his
429 expense.

430
431 **§ 110-18 Effect of Federal Categorical Pretreatment Standards.** Upon the
432 promulgation of the Federal Categorical Pretreatment Standards for a particular
433 industrial subcategory, the federal standard, if more stringent than limitations
434 imposed under this Part 1 for sources in that subcategory, shall immediately
435 supersede the limitations imposed under this Part 1. The County Engineer shall
436 notify all affected users of the applicable reporting requirements under 40 CFR
437 403.12.

438
439 **§ 110-19 Modification of Federal Categorical Pretreatment Standards.** Where
440 the county's wastewater treatment system achieves consistent removal of pollutants
441 limited by Federal Pretreatment Standards- the county may apply to the approval
442 authority for modification of specific limits in the Federal Pretreatment Standards.
443 "Consistent removal" shall mean reduction in the amount of a pollutant or alteration
444 of the nature of the pollutant by the wastewater treatment system to a less toxic or
445 harmless state in the effluent which is achieved by the system 95% of the samples
446 taken when measured according to the procedures set forth in Section 403.7(c)(2) of
447 (Title 40 of the Code of Federal Regulations, Part 403), General Pretreatment

Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The county may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 110-20 State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 1.

§ 110-21 Dilution of discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the county or state.

§ 110-22 Accidental discharge protection and procedures.

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part 1. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted by every user to the county for review on or before a date to be determined by the county. No user who commences contribution to the POTW after the effective date of this Part 1 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the county. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part 1.

B. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, the type of waste, concentration and volume and corrective actions.

(1) Written notice. Within five days following an accidental discharge, the user shall submit to the County Engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW

fishkills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article or other applicable law.

(2) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Article IV: Sewer User Fees

§ 110-23 Purpose. It is the purpose of this Article to provide for the recovery of costs from users of the county's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the county's schedule of charges and fees.

§ 110-24 Authorization for fees.

A. The county may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the county's pretreatment program.

(2) Fees for monitoring, inspections and surveillance procedures.

(3) Fees for reviewing accidental discharge procedures and construction.

(4) Fees for permit applications.

(5) Fees for filing appeals.

(6) Fees for consistent removal (by the county) of pollutants otherwise subject to Federal Pretreatment Standards.

(7) Other fees as the county may deem necessary to carry out the requirements contained herein.

B. These fees relate solely to the matters covered by this Part 1 and are separate from all other fees chargeable by the county.

Article V: Industrial Wastewater Discharge

§ 110-25 Conformance required. It shall be unlawful to discharge without a permit to any natural outlet within the county or in any area under the jurisdiction of said county and/or to the POTW any wastewater except as authorized by the County Engineer in accordance with the provisions of this Part 1.

§ 110-26 Permit required. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

§ 110-27 Permit application.

A. Users required to obtain an industrial user wastewater contribution permit shall complete and file with the county an application in the form prescribed by the county and accompanied by a fee to be determined by the County Engineer at a future date. New significant industrial users shall apply at least 180 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) The name, address and location (if different from the address).

(2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(3) The wastewater constituents and characteristics, including but not limited to those mentioned in this Part 1, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.

(4) The time and duration of the contribution.

(5) The average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

562
563 **(6)** Site plans, floor plans, mechanical and plumbing plans and details to show
564 all sewers, sewer connections and appurtenances by the size, location and elevation.
565

566 **(7)** A description of the activities, facilities and plant processes on the
567 premises, including all materials which are or could be discharged.
568

569 **(8)** Where known, the nature and concentration of any pollutants in the
570 discharge which are limited by any county, state or federal pretreatment standards
571 and a statement regarding whether or not the pretreatment standards are being met
572 on a consistent basis and, if not, whether additional operation and maintenance
573 (O&M) and/or additional pretreatment is required for the user to meet applicable
574 pretreatment standards.
575

576 **(9)** A pretreatment schedule.
577

578 **(a)** If additional pretreatment and/or O&M will be required to meet
579 the pretreatment standards, the shortest schedule by which the user will provide such
580 additional pretreatment. The completion date in this schedule shall not be later than
581 the compliance date established for the applicable pretreatment standard.
582

583 **(b)** The following conditions shall apply to this schedule:
584

585 **[1]** The schedule shall contain increments of progress in the form
586 of dates for the commencement and completion of major events leading to the
587 construction and operation of additional pretreatment required for the user to meet
588 the applicable pretreatment standards (e.g., hiring an engineer, completing
589 preliminary plans, completing final plans, executing a contract for major
590 components, commencing construction, completing construction, etc.).
591

592 **[2]** No increment referred to in Subsection **A(9)(b)[1]** shall
593 exceed six months.
594

595 **[3]** Not later than 14 days following each date in the schedule
596 and the final date for compliance, the user shall submit a progress report to the
597 County Engineer, including, as a minimum, whether or not it complied with the
598 increment of progress to be met on such date and, if not, the date on which it expects
599 to comply with this increment of progress, the reason for delay and the steps being

600 taken by the user to return the construction to the schedule established. In no event
601 shall more than six months elapse between such progress reports to the County
602 Engineer.

603
604 (10) Each product produced by type, amount, process or processes and rate
605 of production.

606
607 (11) The type and amount of raw materials processed (average and maximum
608 per day).

609
610 (12) The number and type of employees, the hours of operation of the plant
611 and proposed or actual hours of operation of the pretreatment system.

612
613 (13) Any other information as may be deemed by the county to be necessary
614 to evaluate the permit application.

615
616 **B.** The county will evaluate the data furnished by the user and may require
617 additional information. After evaluation and acceptance of the data furnished, the
618 county may issue an industrial wastewater contribution permit subject to terms and
619 conditions provided herein.

620
621 **§ 110-28 Permit modifications.** Within nine months of the promulgation of a
622 National Categorical Pretreatment Standard, the wastewater contribution permit of
623 users subject to such standards shall be revised to require compliance with such
624 standard within the time frame prescribed by such standard. Where a user subject to
625 a National Categorical Pretreatment Standard has not previously submitted an
626 application for a wastewater contribution permit as required by § 110-27, the user
627 shall apply for a wastewater contribution permit within 180 days after the
628 promulgation of an applicable National Categorical Pretreatment Standard. In
629 addition, the user with an existing wastewater contribution permit shall submit to the
630 County Engineer within 180 days after the promulgation of an applicable Federal
631 Categorical Pretreatment Standard the information required by § 110-27A(8) and
632 (9).

633
634 **§ 110-29 Permit conditions.**

635 **A.** Industrial user wastewater discharge permits shall be expressly subject to all
636 provisions of this Part 1 and all other applicable regulations, user charges and fees
637 established by the county.

638
639 **B.** Permits may contain the following:
640

641 (1) The unit charge or schedule of user charges and fees for the wastewater
642 to be discharged to the POTW.

643
644 (2) Limits on the average and maximum wastewater constituents and
645 characteristics.

646
647 (3) Limits on the average and maximum rate and time of discharge or
648 requirements for flow regulations and equalization.

649
650 (4) Requirements for installation and maintenance of inspection and sampling
651 facilities.

652
653 (5) Specifications for monitoring programs, which may include sampling
654 locations, frequency of sampling, number, types and standards for tests and reporting
655 schedule.

656 (6) Compliance schedules.

657
658 (7) Requirements for submission of technical reports or discharge reports.
659 (See § 110-32.)

660
661 (8) Requirements for maintaining and retaining plant records relating to
662 wastewater discharge as specified by the county and affording county access thereto.

663
664 (9) Requirements for notification of the county of any new introduction of
665 wastewater constituents or of any substantial change in the volume or character of
666 the wastewater constituents being introduced into the wastewater treatment system.

667 (10) Requirements for notification of slug discharges as per § 110-40.

668
669 (11) Other conditions as deemed appropriate by the county to ensure compliance
670 with this Part 1.

671
672 **§ 110-30 Duration of permit.** Significant industrial user permits shall be issued for
673 a specified time period, not to exceed five (optional) years. A permit may be issued
674 for a period less than a year or may be stated to expire on a specific date. The user
675 shall apply for permit reissuance a minimum of 180 days prior to the expiration of

the user's existing permit. The terms and conditions of the permit may be subject to modification by the county during the term of the permit as limitations or requirements as identified in Article III are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 110-31 Transfer of permit. Industrial use wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the county. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

§ 110-32 Reports.

A. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, and industrial user subject to pretreatment standards and requirements shall submit to the County Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

B. Significant industrial user periodic compliance reports.

(1) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the County Engineer during the months of June and December, unless required more frequently in the pretreatment standard or by the County Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which,

during the reporting period, exceeded the average daily flow reported in § 110-29 of this Article. At the discretion of the County Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the County Engineer may agree to alter the months during which the above reports are to be submitted.

(2) The County Engineer may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by Subsection B(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the County Engineer, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

§ 110-33 Monitoring facilities.

A. The county shall require a significant industrial user to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the county may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the county's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the county.

§ 110-34 Inspection and sampling of industrial user. The county shall inspect the facilities of any industrial user to ascertain whether the purpose of this Part 1 is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the county or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The county, the DNREC, the approval authority and the EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the county, the approval authority, the DNREC and the EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

§ 110-35 Pretreatment requirements.

A. Industrial users shall provide necessary wastewater treatment as required to comply with this Part 1 and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the county shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the county for review and shall be acceptable to the county before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the county under the provisions of this Part 1. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the county prior to the user's initiation of the changes.

B. The county shall annually publish in a general-circulation newspaper a list of the users which were not in compliance with any pretreatment requirements or

standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the approval authority upon request.

D. In addition to any other charge or fee set forth in this chapter, in those situations where the county has contracted with a municipality or other operator of a wastewater treatment facility for wastewater treatment and that municipality or other operator has imposed pretreatment charges or fees and where deemed appropriate and necessary by the County Engineer, the county hereby adopts the following:

(1) Fees for wastewater discharge permit applications, including the cost of processing such applications:

Permit Category	Fee (per issuance)
Significant industrial user (SIU) permit	\$500.00
Categorical industrial user (CIU) permit	\$500.00
Other industrial user (IU)	\$250.00
Permit amendment	\$250.00
Permit variance(s)	\$250.00

(2) Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users:

User Category	Fee
SIU or CIU	\$250.00 (annual)
Other industrial user	\$100.00 (annual)

(3) Other fees as the county may deem necessary to carry out the requirements contained herein.

810 **§ 110-36 Confidential information.**

811 **A.** Information and data on a user obtained from reports, questionnaires, permit
812 applications, permits and monitoring programs and from inspections shall be made
813 available to the public or other governmental agency without restriction, unless the
814 user specifically requests and is able to demonstrate, to the satisfaction of the county,
815 that the release of such information would divulge information, processes or
816 methods of production entitled to protection as trade secrets of the user.

817
818 **B.** When requested by the person furnishing a report, the portions of a report which
819 might disclose trade secrets or secret processes shall not be made available for
820 inspection by the public but shall be made available upon written request to
821 governmental agencies for uses related to this Part 1, the National Pollutant
822 Discharge Elimination System (NPDES) permit, the State Disposal System permit
823 and/or the pretreatment programs; provided, however, that such portions of a report
824 shall be available for the use of the county, state or any state agency in judicial
825 review or enforcement proceedings involving the person furnishing the report.
826 Wastewater constituents and characteristics will not be recognized as confidential
827 information.

828
829 **C.** Information accepted by the county as confidential shall not be transmitted to
830 any governmental agency or to the general public by the county until and unless a
831 ten-day notification is given to the user.

832
833 **§ 110-37 Measurements, tests and analyses.** All measurements, tests and analyses
834 of the characteristics of waters and wastes to which reference is made in this Part 1
835 where federal, state or county regulations are silent as to methods of analysis shall
836 be determined in accordance with the latest edition of "Standard Methods for the
837 Examination of Water and Wastewater, published by the American Public Health
838 Association" and shall be determined at the control manhole provided or upon
839 suitable samples taken at said control manhole. In the event that no special manhole
840 has been required, the control manhole shall be considered to be the nearest
841 downstream manhole in the public sewer to the point at which the building sewer is
842 connected. Sampling shall be carried out by customarily accepted methods to reflect
843 the effect of constituents upon the sewage works and to determine the existence of
844 hazards to life, limb and property. (The particular analyses involved will determine
845 whether a twenty-four-hour composite of all outfalls of a premises is appropriate or
846 whether a grab sample or samples should be taken. Normally, but not always, BOD

and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

§ 110-38 Increased discharge restricted. When the wastewater treatment facilities have reached a point near maximum loading as determined by the Engineer, increased industrial discharge, either on the basis of flow or quantity of waste constituents, or both, shall be prohibited.

§ 110-39 Suspension of wastewater treatment service.

A. The county may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the county, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the county to violate any condition of its NPDES permit.

B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the county shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The county shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the county within 15 days of the date of occurrence.

§ 110-40 Revocation of permit. Any user who violates the following conditions of this Part 1 or applicable state and federal regulations is subject to having his permit revoked:

A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.

B. Failure of the user to report significant changes in operations or in wastewater constituents and characteristics.

C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

D. Violation of conditions of the permit.

§ 110-41 Violation proceedings.

A. See Article IX for penalties and legal proceedings.

B. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 1 or a wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 1 shall be subject to criminal prosecution pursuant to the laws of the State of Delaware.

Article VI: Use of Public Water Service

§ 110-42 Connection required. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated in an area served by a Sussex County water district and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main of Sussex County are hereby required, at their expense, to install a suitable water supply system and to connect such system directly with the proper public water main in accordance with the provisions of this Part 1, within 60 days after the date of official notice to do so.

§ 110-43 Permit required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water main or appurtenance thereof without first obtaining a permit from the Engineer.

§ 110-44 Permit application.

A. Application for a permit to install and connect a water service pipe shall be made by the plumber, licensed by Sussex County, who will install or supervise the installation of the water service pipe. The application will be made on forms provided by the county and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. The application shall be signed by the licensed plumber and the owner of the building having the water service pipe connected thereto. If approved, the application will be signed by the Engineer or his authorized agent and will constitute a permit.

B. An application for a permit shall be made to increase the size of an existing service. The cost of increasing the size of the service shall be borne entirely by the applicant.

923
924 **§ 110-45 Separate water service required.** A separate and independent water
925 service and water meter shall be provided by the county for every dwelling, building
926 or property used for human occupancy, employment, recreation or other purpose. A
927 water service, water meter and water service pipe shall not service more than one:

928 **A.** Dwelling house, either detached or one side of a double house or a house in a
929 row of houses, provided that a garage, a guest house and similar features incidental
930 to the family life shall be considered as a portion of the dwelling.

931 **B.** Industrial, commercial or manufacturing establishment.

932 **C.** Building separated from adjacent buildings by a party wall or walls and
933 comprising apartments, stores, offices or a combination thereof.

934 **D.** Detached building comprising apartments, stores, offices or any combination
935 thereof.

936 **E.** Establishment consisting of individual dwelling units under the management of
937 a single commercial or cooperative entity.

938 **F.** Unit of property commonly referred to as a "condominium unit" and/or more
939 specifically referred to as "unit property," subject to the requirements of the Unit
940 Property Act, Title 25 of the Delaware Code, Chapter 25. Property which is
941 converted from ownership by a single commercial or cooperative entity or from any
942 other form of ownership to condominium units shall comply with the requirements
943 of this section.

944
945 **§ 110-46 Use of water on premises.** Use of water shall be confined to the premises
946 named on the permit. No customer shall supply another with water, nor shall he use
947 it for any purpose not listed on the permit application.

948
949 **§ 110-47 Multiple water meters at one premises.** Any such dwelling, building or
950 property as classified in § **110-45** of this Article may be supplied by two or more
951 water meters, each of which, for billing by the county, shall be considered as being
952 one customer account.

953
954 **§ 110-48 Responsibility for costs of connection; indemnification of county.**

955 **A.** All costs and expenses incident to the installation and connection of the water
956 service pipe shall be borne by the owner.

957 **B.** The owners shall indemnify Sussex County from any loss or damage that may,
958 directly or indirectly, be occasioned by the installation of the water service pipe.
959

960 **§ 110-49 Protection from contamination.** The customers water supply system
961 shall be designed installed and maintained in a manner that will prevent the
962 contamination of the water supply. Requirements for such protection are given in
963 the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex
964 County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer
965 Districts, Article VII of this Part 1.

966
967 **§ 110-50 Materials and methods for connection.** The connection of the water
968 service pipe to the water meter and the size, alignment, materials of construction of
969 the water service pipe and the methods to be used in excavating, placing of the pipe,
970 jointing, testing and backfilling the trench shall all conform to the requirements of
971 the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex
972 County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer
973 Districts, Article VII of this Part 1.

974
975 **§ 110-51 Responsibility for and control of water main connections.** The county
976 shall make all connections to the water mains and furnish, install and maintain all
977 water service lines from the water main to and including the curb cock and box,
978 which shall be placed in back of the property line, all of which shall be the property
979 of the county and under its control.

980
981 **§ 110-52 Notification of readiness for inspection and connection.** The applicant
982 for the water service pipe permit shall notify the Engineer when the water service
983 pipe is ready for inspection and connection to the public main. The connection shall
984 be made under the supervision of the Engineer or his authorized representative.

985
986 **§ 110-53 Guarding of excavations.** All excavations for water service pipe
987 installations shall be adequately guarded with barricades and barricades and lights
988 at night so as to protect the public from hazard. Streets, sidewalks, parkways and
989 other public property disturbed in the course of the work shall be restored in a
990 manner satisfactory to the county.

991
992 **§ 110-54 Water meters.**

993 **A.** All water meters belonging to the county shall be placed by the county and kept
994 in repair, except that the owner of the building served shall be responsible for any
995 damage caused by negligence of the owner or tenant. The Engineer shall determine,
996 in each case of damage, the cause and cost of replacement or repair.

998 **B.** No meter or bypass valve shall be disconnected from the pipes, moved, disturbed
999 or have its seal broken by any person except an authorized employee of the county.

1000
1001 **C.** The customer shall notify the County Engineer's office of any injury to or
1002 cessation of registration of a meter as soon as it comes to his knowledge.

1003
1004 **§ 110-55 Discontinuance of service.**

1005 **A.** Water service may be discontinued, upon notice to the owner, his authorized
1006 agent or the occupant, for any of the following causes:

1007
1008 (1) Use of water for any purpose other than that described on the permit
1009 application.

1010
1011 (2) Willful waste of water through faulty pipes, fixtures or otherwise.

1012 (3) Tampering with or damaging any service pipes, meters, seals or any other
1013 property of the county.

1014
1015 (4) Refusal of reasonable access to property for the purpose of inspections
1016 and maintenance and for failure to make provisions to afford the county access to
1017 the meter readout at least once every three months during regular county working
1018 hours.

1019
1020 (5) Making or refusing to sever any cross-connections between a pipe or
1021 fixture carrying water furnished by the county and a pipe or fixture carrying water
1022 from any other source.

1023
1024 (6) Nonpayment of water service charges and/or fines.

1025
1026 (7) Extending water pipes to other buildings without obtaining a proper
1027 permit.

1028
1029 (8) Failure to correct piping and fixtures in a water distribution system that
1030 could allow contamination of the water source.

1031
1032 (9) Violation of any regulation governing water service.

1033
1034 **B.** Water service may temporarily be shut off by the county for any of the following
1035 reasons:

1036
1037 (1) Making alterations, repairs or inspections of water mains or pipes.

1038
1039 (2) In case of emergency such as fire, contamination or any other reason for
1040 the general welfare.

1041
1042 (3) Removing the water meter for repair or testing.

1043
1044 **C.** When the county discontinues water service for any reason, it does so without
1045 liability to such owner or occupant as may own or occupy the building to which such
1046 connection is made.

1047
1048 **D.** No customer shall be entitled to recover for damages or to have any portion of
1049 the water charges refunded for any stoppage of water service.

1050
1051 **§ 110-56 Public fire hydrants.**

1052 **A.** Public fire hydrants are installed and supplied with water for the express purpose
1053 of combating fires. Fire hydrant use is restricted to Fire Departments and those
1054 authorized by the County Engineer.

1055
1056 **B.** It shall be unlawful for any person to:

1057
1058 (1) Take water from a public fire hydrant, except for the purpose of combating
1059 fire, except with the approval of the Engineer.

1060
1061 (2) Have in possession any key to any fire hydrant, except such key as may
1062 be furnished by the county.

1063
1064 (3) Open a fire hydrant with any device except the proper key.

1065
1066 (4) Place or allow to be placed any vehicle, object or material within 15 feet
1067 of any fire hydrant which obstructs or restricts access to said fire hydrant.

1068
1069 **C.** Temporary use of water may be supplied through a public fire hydrant for uses
1070 other than extinguishing fires by application for a use permit to the County Engineer
1071 and payment of charges that may be stipulated if the application is approved by the
1072 Engineer. The applicant shall be responsible for any damage occasioned by the use
1073 of the fire hydrant or other appurtenance.

1074
1075 **D.** The county does not assume any liability to parties receiving water service as an
1076 insurer of property or person, and the county does not guarantee any special service,
1077 pressure, capacity or facility other than is permitted by the ordinary and changing
1078 operating conditions of the county as the same exist from day to day. The county
1079 shall be free and exempt from any claims for injury to any persons or property by
1080 reason of fire, water and failure to supply water pressure or capacity.

1081
1082 **§ 110-57 Private fire service.**

1083 **A.** Any person desiring a private water supply from the county for the purpose of
1084 extinguishing fire or desiring to make alterations on an existing private fire service
1085 shall first make application to the County Engineer and obtain approval of the private
1086 fire service and a permit to install or alter the same.

1087 **B.** All costs pertaining to the installation of a private fire service, including but not
1088 limited to tapping the public water main and piping to the property line, shall be
1089 borne by the applicant.

1090
1091 **C.** A private service line shall be required for on-premises fire hydrants, automatic
1092 sprinklers or other fire-service devices located inside a building or buildings, and
1093 such private service line is to be used exclusively for fire service.

1094
1095 **D.** It shall be unlawful to use fire hydrants, automatic sprinklers or other fire-service
1096 appliances installed on a premises, building or buildings for any purpose other than
1097 for the extinguishment of fires.

1098
1099 **E.** The county does not assume any liability to parties receiving water service as an
1100 insurer of property or person, and the county does not guarantee any special service,
1101 pressure, capacity or facility other than is permitted by the ordinary and changing
1102 operating conditions of the county as the same exist from day to day. The county
1103 shall be free and exempt from any claims for injury to any person or property by
1104 reason of fire, water and failure to supply water pressure or capacity.

1105
1106 **§ 110-58 Water meter testing.**

1107 **A.** The quantity of water recorded by the meter shall be conclusive on both the
1108 customer and the county except when the meter has been found to be registering
1109 inaccurately or has ceased to register. In either case, the meter shall be promptly
1110 repaired or replaced by the county, and the quantity of water consumed shall be
1111 estimated by an average of previous readings of the meter when in good working

order during as many as two recorded periods of the same period in previous years but in no case less than the minimum charge.

B. In the case of a disputed account involving the accuracy of a meter, such meter shall be tested at the request of the customer in conformity with the provisions of the county water regulations. In the event that the meter so tested is found to have an error in registration in excess of 5% slow or fast, the bills shall be adjusted accordingly as provided in the aforesaid rules.

C. When meters are removed after installation at the request of the customer for testings, the following rules shall apply: The county shall, upon a written request of a customer and, if he so desires, in his presence or that of his authorized representative, make a test of the accuracy of his meter. When a customer desires, either personally or through a representative, to witness the testing of a meter, he may require a meter to be sealed in his presence before removal, which seal shall not be broken until the test is made in his presence. If the meter so tested shall be found to be accurate within the limits herein specified, the cost for removing, testing and replacing the meter will be paid by the customer requesting such test, but if not so found, then the cost thereof shall be borne by the county.

Article VII: Interim Code for Building Sewer and Water Service Pipe Connections

§ 110-59 Title. This Article shall be known as the "Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer Districts."

§ 110-60 Scope. The provisions of this code shall apply to every water service pipe and building sewer installation connected to county-owned systems, including alterations, repairs and replacements.

§ 110-62 Licensing, bonding and insurance.

A. Before any person, firm or corporation shall engage in the business of installation, alteration or maintenance of any plumbing under the scope of this code, he shall obtain a proper license from the Sussex County Engineer's office. The license period shall be one year, beginning January 1. To obtain a license from the Engineer, the person, firm or corporation shall:

1144 **(1)** Show proof that he has been duly registered as a plumber by the State
1145 Board of Plumbing Examiners and that he is licensed to do business as a plumber in
1146 the State of Delaware.

1147 **(2)** Obtain and deposit with the Sussex County Engineer's office a bond in
1148 the amount of \$5,000, conditioned that the person, firm or corporation engaged in
1149 the plumbing business will faithfully observe all the laws and regulations pertaining
1150 to that business and that Sussex County and the local governing body shall be
1151 indemnified and saved harmless from all claims arising from accidents and damage
1152 of any character whatsoever caused by the negligence of such person, firm or
1153 corporation engaged in the plumbing business or by any other unfaithful, inadequate
1154 work done either by themselves or their agents or employees and that such person,
1155 firm or corporation will maintain in a safe condition for a period of one year all
1156 ditches and excavations which may be opened in the performance of any plumbing
1157 work and further that all dirt and other material excavated will be replaced in a good
1158 condition with similar materials.

1159 **(3)** Pay an annual license fee in the amount of \$50.

1160 **(4)** Show proof that he has bodily injury liability and property damage
1161 liability insurance to protect him from claims for damages for personal injury,
1162 including accidental death, as well as from claims for property damage which may
1163 arise from operations under the work, whether such work is done by himself or by
1164 anyone directly or indirectly employed by him. The insurance should so state that
1165 the Sussex County Engineer's office will be notified 10 days prior to the expiration
1166 of the insurance.

1167 **B.** Such insurance shall not be less than:

1168 **(1)** Bodily injury liability insurance in an amount not less than \$100,000 for
1169 injuries, including wrongful death, to any one person and subject to the same limit
1170 for each person in an amount not less than \$300,000 on account of one accident.

1171 **(2)** Property damage insurance in an amount not less than \$25,000 for damages on
1172 account of any one accident and in an amount not less than \$50,000 for damages on
1173 account of all accidents.

1174 **§ 110-63 Permit required.**

1175 **A.** Any duly licensed plumber who desires to install and connect any work covered
1176 under the scope of this code shall first make application to the Sussex County
1177 Engineer and obtain the required permit.

1178 **B.** Application for a permit shall be made by an applicant in the manner and method
1179 directed by the Sussex County Engineer. Such information as required shall be
1180 provided to complete the application.

1181 **C.** The application shall be signed by the licensed plumber and the owners of the
1182 buildings to be connected.

1183 **D.** If the Sussex County Engineer or his authorized representative is satisfied that
1184 the work described in the application and attached exhibits conforms to the
1185 requirements of this code and other pertinent laws and ordinances, he shall sign the
1186 application and in doing so grant a permit, which shall be a license to proceed with
1187 the work as detailed and specified on the application.

1188 **E.** When the application is approved and the permit granted, one set shall be
1189 returned to the applicant and be kept at the job while work is in progress, and one
1190 set shall be retained by the County Engineer as a permanent record.

1191 **§ 110-64 Permit fees.**

1192 **A.** The permit fee for each building sewer connection to the public sewer shall be
1193 \$100.

1194
1195 **B.** The permit fee for each water service pipe connection to the public main shall be
1196 \$100.

1197 **§ 110-65 Installation by homeowner.** Nothing in this code shall prevent any
1198 building owner or occupant from installing or maintaining a building sewer and/or
1199 water service pipe within his own property boundaries, provided that such building
1200 sewer and/or water service pipe installation and maintenance is done by himself and
1201 is used exclusively by him or his family and is installed and inspected in accordance
1202 with the requirements of this code, and provided also that he shall:

1203 **A.** Obtain a proper permit from the Sussex County Engineer's office.

1204 **B.** Have a plumber who is licensed by the Sussex County Engineer to install and
1205 connect building sewers and water service pipes to the facilities of Sussex County
1206 sanitary sewer districts and Sussex County water and sanitary sewer districts
1207 comment, in the appropriate space on the permit application, on the suitability of the

1208 building drain vent and make the final connection to the county water meter and/or
1209 county sewer house lateral.

1210 **§ 110-66 Violations and penalties.** Whoever willfully makes any
1211 misrepresentation in any application or makes or maintains any connection with any
1212 sewer or water main contrary to the authority granted by permits issued therefor by
1213 the Sussex County Engineer or without a permit therefor in accordance with the
1214 provisions of this code shall be fined not less than \$5 nor more than \$500.

1215 **§ 110-67 Building sewers.**

1216 **A. Material.**

1217

1218 (1) The building sewer shall be either:

1219 (a) Service-weight cast-iron soil pipe and fittings per Commercial
1220 Standard CS-188. The hub-and-spigot cast-iron soil pipe and fittings shall be joined
1221 with a one-piece elastomeric compression-type seal per ASTM C564.

1222 (b) Polyvinyl chloride sewer pipe and fittings per ASTM D-3034-74,
1223 Type PSM (SDR-35). Polyvinyl chloride sewer pipe and fittings shall be joined
1224 using the gasketed jointed system using a one-piece elastomeric ring per ASTM D-
1225 3212-73T as specified and furnished by the pipe and fitting manufacturer.

1226 (2) Only cast-iron soil pipe or polyvinyl chloride sewer pipe encased in at
1227 least four inches of concrete shall be used where the building sewer does not have at
1228 least 2 1/2 feet of cover and passes under heavily loaded areas such as driveways or
1229 under areas not blocked by fencing, trees, shrubs or other reasonably permanent
1230 obstructions that would prevent vehicular use.

1231 **B. Size.** The building sewer shall not be less than four inches nominal size and shall
1232 be installed at a uniform fall of not less than one-eighth-inch fall per foot. If one-
1233 eighth-inch fall per foot is not obtainable, the sewer size and fall shall be specified
1234 by the Engineer.

1235 **C. Cleanouts.**

1236 (1) Cleanouts shall be not more than 75 feet apart in four-inch building
1237 sewers and not more than 100 feet apart in six-inch building sewers and shall be at
1238 each change of direction greater than 45°. There shall be a cleanout at the juncture
1239 of the building sewer and street lateral consisting of a wye and a one-eighth bend
1240 piped to grade. The cleanout pipe and fittings shall not be less than four inches and

shall conform to the building sewer piping requirements. The body of the cleanout ferrule shall conform in thickness to that required for pipe and fittings of the same material. The cleanout plug shall be of brass or plastic with standard tapered pipe threads and have a raised nut or recessed plug.

(2) The cleanout shall be suitably protected from loading by passing through, with clearance for free movement, a casted concrete pad having minimum dimensions of 16 inches in diameter by eight inches thick. A standard approved cast-iron cleanout cover shall be casted in the concrete pad.

(3) There shall be a cleanout near the juncture of the building sewer and building drain which shall be similar to the cleanout located at the property line unless a cleanout with a wye-branch inside the building is employed for this cleanout.

(4) Where one building sewer connects to two or more building drains, there shall be at least a cleanout at the juncture of each building drain and building sewer and at the juncture of the building sewer and the street lateral. Additional cleanouts may be required by the Engineer if in his judgment, they are necessary.

D. Suitability of building drain vent and plumbing fixture traps.

(1) The building sewer must connect to a building drain that is properly vented, and those plumbing fixtures discharging to the building drainage system must be properly trapped. It shall be the responsibility of the licensed plumber installing the building sewer to determine if the building drain is properly vented and all plumbing fixtures are properly trapped in accordance with recognized plumbing codes, such as the Sanitary Plumbing Code for the State of Delaware and Southern Standard Plumbing Code. The building drain vent shall meet the recognized standards prior to connecting the building drain to the building sewer, or, in lieu of meeting such standards, a building trap shall be installed. If installed, the building trap shall be of building drain size and be provided with a cleanout and a relieving vent or fresh-air intake on the inlet side of the trap of at least 1/2 the diameter of the drain. The vent shall be located outside the building above the base flood elevation and terminated in a screened outlet. The plumbing fixtures connected to the building drainage system shall be trapped according to recognized standards prior to connecting the building drain to the building sewer.

(2) Note that it is the intent of these requirements regarding the suitability of the building vent and plumbing fixture traps to ensure that any gases or pressure

transients in the public sewer will be relieved through the building vent system and no gases will be discharged to the building through plumbing fixtures with inadequate traps. Standard plumbing codes require that every building in which plumbing is installed have at least one main vent stack which shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof and in no case be less than three inches in diameter. Standard plumbing codes require that each plumbing fixture shall be trapped. It shall be the responsibility of the installer of the building sewer to determine if the building drain is vented and, if vented, based on his experience and judgment, is adequate. It shall also be the responsibility of the installer of the building sewer to determine if all plumbing fixtures discharging to the building drainage system are properly trapped.

(3) Building drains below a building sewer which cannot be discharged to the sewer by gravity flow shall be discharged into a tightly covered and vented sump from which the liquid shall be lifted and discharged into the building's gravity-drainage system by automatic pumping equipment or by any equally efficient method approved by the Engineer.

E. Trenching, installation and backfill.

(1) Trenching, installation and backfill shall be excavated to the desired depth and fall. A template shall be used to detect high spots and holes and fill depressions, and it shall be thoroughly tamped. Care should be taken during the excavation to provide as narrow a trench as practical at a point level with the top of the pipe. When the width of the trench at the base exceeds seven pipe diameters, selected stone backfill shall be used to embed the pipe and fill the trench to about one foot above the pipe.

(2) When mud or water is encountered in the trench, such as may be found by excavation below groundwater, additional precautions shall be taken appropriate to the trenching conditions encountered to ensure that the pipe is bedded true to line and grade with uniform and continuous support from a firm base. Where excessive groundwater conditions exist, the Engineer may require trench pumping, well pointing or other trench-stablizing methods.

(3) Pipe and bed shall be laid in a selected backfill $\frac{1}{4}$ to $\frac{1}{3}$ of the pipe diameter. After the pipe is bedded and checked for fall, but not until inspected and approved, additional backfill shall be placed by shovel at the sides and over the top of the pipe and tamped carefully. Reasonably clean backfill shall be placed and tamped in layers

not to exceed six inches to a point 12 inches above the pipe. Backfill shall be completed by any convenient means.

§ 110-68 Protection of drainage system, public sewer and treatment plant.

A. It shall be unlawful for any person to deposit by any means into the building drainage system or into a public sewer any ashes; cinders; unground garbage; rags; flammable, poisonous or explosive liquids; gasses; oils; grease; or any other material which, in the opinion of the Engineer, would or could obstruct, damage or overload such system or sewer.

B. No stormwater, surface water, groundwater, cooling water or other unpolluted water shall be discharged to the building drainage system. Those drain connections not intended for but liable to permit the entrance of stormwaters, such as outside surface level showers, shall not be connected to the building drain. This does not prohibit the connection of an outside shower or other drain to the building drain, provided that the drain is enclosed, covered and raised and/or protected by curbing to prevent the entrance of stormwater.

C. Commercial or industrial wastes detrimental to the public sewer system or detrimental to the functioning of the sewage treatment plant shall be treated and disposed of as directed by the authority having jurisdiction.

D. Interceptors or separators.

(1) Interceptors or separators shall be provided when, in the opinion of the Engineer they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand and other ingredients harmful to the building drainage system, the public sewer or the sewage treatment plant or processes. The size, type and location of each interceptor or separator shall be approved by the Engineer, and no wastes other than those requiring treatment or separation shall be discharged into any separator.

(2) Oil separators shall be required for all commercial, storage or repair garages; gasoline stations with grease racks, grease pits or wash racks; all motor vehicle laundries; and all factories which have oily and/or flammable wastes as a result of manufacturing, storage, maintenance, repair or testing operations. The facilities shall be provided with all necessary floor drains, sand interceptors, catch basins and oil interceptors.

(3) Sand interceptors shall be required wherever a floor drain discharges through an oil separator and shall be located upstream of the oil separator. Sand

interceptors shall be required whenever the discharge of a floor drain may contain solids that would be harmful to the drainage system, public sewer or sewage treatment plant.

(4) Basket-type interceptors shall be required on commercial laundry wastes and shall be equipped with a removable and cleanable basket that will prevent passage into the drainage system of solids 1/2 inch or larger, string, rags or other materials detrimental to the public sewer or sewage treatment plant. Basket- or special-type interceptors shall be required on food-processing wastes containing or likely to contain solids or semisolids that may clog the drainage system or be otherwise detrimental to the public sewage treatment plant.

§ 110-69 Water service pipe.

A. Material. The water service pipe shall be either of the following:

(1) Ultra-high-molecular-weight polyethylene pipe per ASTM D-2239 (SDR-7) meeting the requirements of Type III, Class C, Category P34, polyethylene as defined in ASTM D-1248 and rated at one hundred sixty pounds per square inch at 73.4° F. and approved by the National Sanitation Foundation for use as a carrier of potable water. The polyethylene pipe joint system shall be equal to the Ford Meter Box Company's "Pack Joint," the Hays Manufacturing Company's "Hays-Tite" or the Mueller Company's "110 Compression Connection." The connection shall be brass and assembled with a stainless-steel pipe liner as specified and furnished by the connector manufacturer.

(2) Polyvinyl chloride Schedule-40 pressure pipe meeting ASTM D1785 and approved by the National Sanitation Foundation for use as a carrier of potable water. The polyvinyl chloride pipe joint system shall be with solvent-weld Schedule-40 polyvinyl chloride fittings using a polyvinyl chloride solvent cement as specified by the pipe and fitting manufacturer and approved by the National Sanitation Foundation for use with potable water.

(3) Type K or L copper water tube per ASTM B88-66. The copper water tube joint system shall be bronze fittings for flared copper tube per ANSI B-16.26.

B. Size. The water service pipe shall be 3/4 inch, one inch, 1 1/2 inches or two inches as required for the service and not less than the water meter outlet connection.

C. Disinfection of water service pipe.

1376 **(1)** The Engineer or his authorized representative may require that the water
1377 service piping be disinfected before it is placed in service if, in his judgment, such
1378 action is necessary.

1379 **(2)** One of the following disinfecting methods shall be used:

1380 **(a)** The water service pipe shall be filled with a solution of 50 parts per
1381 million of available chlorine and allowed to stand six hours before flushing and
1382 placing in service.

1383 **(b)** The water service pipe shall be filled with a solution of 100 parts
1384 per million of available chlorine and allowed to stand two hours before flushing and
1385 placing in service.

1386 **D.** Trenching, installation and backfill.

1387 **(1)** The water service pipe shall not be less than five feet horizontally apart
1388 from the building sewer and shall be separated by undisturbed or compacted earth
1389 unless all of the following conditions are met:

1390 **(a)** The bottom of the water service pipe at all points shall be at least
1391 12 inches above the top of the sewer line at its highest point.

1392 **(b)** The water service pipe shall be placed on a shelf excavated at one
1393 side of the common trench.

1394 **(c)** The number of joints in the water service pipe shall be kept to a
1395 minimum.

1396 **(2)** Where the water service pipe must cross the sewer line, the bottom of the
1397 water service pipe, within five feet of the point of crossing, shall be at least 12 inches
1398 above the top of the sewer line. Joints shall not be used within five feet of the sewer
1399 line.

1400 **(3)** The building sewer shall be at least 10 feet removed from all wells unless
1401 such wells are permanently abandoned.

1402 **(4)** It shall be excavated to the desired depth and tamped to a uniform surface.
1403 When mud or water is encountered in the trench, such as may be found by excavation
1404 below groundwater, additional precautions shall be taken appropriate to the
1405 trenching conditions encountered to ensure that the pipe has a uniform and

continuous support from a firm base. Where excessive groundwater conditions exist, the Engineer may require trench pumping, well pointing or other trench-stabilizing methods.

(5) The pipe shall be uniformly supported throughout the trench by tamped fill. Plastic pipe shall be snaked into the trench to allow for expansion and contraction.

(6) It shall be backfilled with the pipe at a temperature approximating normal operating, temperature of 40° F. to 60° F., running cool water through the pipe if necessary. It shall be backfilled with clean fill free of sharp stones, objects or heavy material.

§ 110-70 Protection of potable water supply.

A. The potable water shall be protected from contamination from any source.

B. There shall be no cross-connection between the potable water service pipe and distribution system and any other source of water.

C. Any building supplied with water from a Sussex County water district supply shall have no other source outlet located within the building.

§ 110-71 Backflow prevention. A backflow-prevention device shall be installed in the water service pipe to every building served by a Sussex County water district. The device shall be located immediately as the water service pipe enters the building and shall be accessible for service. As a minimum requirement, the backflow-prevention device shall consist of a manual shutoff valve followed by a spring-loaded check valve and a pressure-relief valve on the downstream side of the check valve. The pressure-relief valve drain shall be piped full size with no valve or trap to a location where emergency water spillage will create no problem.

§ 110-72 Abandoned septic tanks and cesspools. Abandoned septic tanks and cesspools shall be made safe and harmless by removal or cleaned of sludge and filled completely with any appropriate material such as rubble, gravel or borrow.

§ 110-73 Abandoned wells. Permanently abandoned wells shall be filled and sealed in accordance with the regulations of the State of Delaware Division of Environmental Control.

§ 110-74 Inspections and testing.

1438 **A. Plumbing.**

1439 **(1)** All plumbing work installed under the scope of this code shall be
1440 inspected to ensure compliance with the code and assure that the installation is in
1441 accordance with the approved plans and permit.

1442 **(2)** It shall be the duty of the installing plumber to give reasonable advance
1443 notice to the County Engineer's office when plumbing work is ready for inspection
1444 and test. The plumbing shall be deemed ready for inspection and test when the pipe
1445 is laid on proper fall and bedded 1/4 to 1/3 of its diameter, with joints properly made
1446 and connected to the building.

1447 **(3)** Prior to inspection and test, the building sewer shall not be connected to
1448 the public sewer lateral nor shall the service water pipe be connected to the water
1449 meter house connection.

1450 **(4)** The equipment, material and labor necessary for the inspection and test
1451 shall be furnished by the installing plumber.

1452 **(5)** The plumbing shall not be covered until it has been inspected, tested and
1453 approved; it shall be uncovered upon direction.

1454 **(6)** Upon the satisfactory completion and final test of the plumbing, a
1455 certificate of compliance will be issued to the owner by the Engineer.

1456 **B. Building sewer test.**

1457 **(1)** The building sewer shall be tested by insertion of a plug or otherwise
1458 suitably blanking the point of connection with the sewer lateral. The building sewer
1459 shall be filled with water to the level of the lowest trap, and the water shall not show
1460 a level drop for a period of 15 minutes.

1461 **(2)** If the building sewer is approved, the final connection to the street lateral
1462 shall be made in the presence of and at the direction of the authorized county
1463 inspector, and the pipe shall be covered per § 110-67 of this code.

1464 **(3)** As an alternate, the building sewer can be connected to the street lateral
1465 prior to the test, provided that the connection is made only in the presence of and at
1466 the direction of the authorized county inspector.

(4) The test plug will be inserted through the trap to a point near the juncture of the street lateral and building sewer, and the prescribed test will be made.

C. Water service pipe.

(1) The water service pipe shall be tested and proved tight under a pressure not less than the working pressure under which it is to be used. The water used for the test shall be potable water from the house service connection and shall be supplied to the water service pipe only in the presence of and at the direction of the authorized county inspector.

(2) If the water service pipe is approved, the pipe shall be covered per § 100-69 of this Article.

Article VIII: Inspectors

§ 110-75 Right of entry; inquiries into processes.

A. The Engineer and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part 1.

B. The Engineer or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic or paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 110-76 Observance of safety rules by inspectors; indemnification of company.

While performing the necessary work on private properties, the Engineer or duly authorized employees of the county shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the county employees, and the county shall indemnify the company against loss or damage to its property by county employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

§ 110-77 Entry and work on easements. The Engineer and other duly authorized employees of the county bearing proper credentials and identification shall be

permitted to enter all private properties through which the county holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works or waterworks lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article IX: Penalties

§ 110-78 Violations and penalties.

A. Any person found to be violating or in violation of any provision of this Part 1, except Article III, shall be fined not less than \$50 nor more than \$500 for each violation.

B. Any person found to be violating or in violation of Article III of this Part 1 shall be served by the county with written notice stating the nature of the violation and providing a time limit, not to exceed 30 days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who shall continue any violation as covered in Subsection A of this section who shall continue any violation covered in Subsection B of this section beyond the time limit provided shall be fined not less than \$50 nor more than \$500 for each day in which any such violation shall continue.

§ 110-79 Liability for expenses caused by violation. Any person violating any of the provisions of this Part 1 shall become liable to the county for any expense, loss or damage occasioned the county by reason of such violation.

§ 110-80 Civil action. Notwithstanding § 110-78C, equitable relief may be sought by the filing of a civil action in the Court of Chancery to initiate an injunction, mandamus, abatement or any other appropriate action. The laws of the State of Delaware shall regulate civil proceedings relevant to this Part 1.

Article X: Definitions

§ 110-81 Terms defined.

A. As used in this Part 1, the following terms shall have the meanings indicated:

1531 **AIR GAP** The unobstructed vertical distance through the free atmosphere between
1532 the lowest opening from any pipe or faucet supplying water to a tank, plumbing
1533 fixture or other device and the flood level rim of the receptacle.

1534 **APPROVED** Accepted or acceptable under an applicable specification cited in this
1535 code or accepted as suitable for the proposed use under procedures and powers of
1536 the Engineer.

1537 **BACKFLOW** The flow of water or other liquids, mixtures or substances into the
1538 distribution pipes of a potable supply of water from any source or sources.

1539 **BACKFLOW PREVENTER** A device or means to prevent backflow.

1540 **BACKSIPHONAGE** The flowing back of used, contaminated or polluted water
1541 from a plumbing fixture or vessel into a water supply pipe due to a negative pressure
1542 in such pipe.

1543 **BOD (denoting "biochemical oxygen demand")** The quantity of oxygen utilized
1544 in the biochemical oxidation of organic matter under standard laboratory procedure
1545 in five days at 20° C., expressed in milligrams per liter.

1546 **BUILDING** A structure built, erected and framed of component structural parts
1547 designed for the housing, shelter, enclosure or support of persons, animals or
1548 property of any kind.

1549 **BUILDING DRAIN** That part of the lowest piping of a drainage system which
1550 receives the discharge from soil, waste and other drainage pipes inside the walls of
1551 the building and conveys it to a point directly outside of the building and to the
1552 building sewer.

1553 **BUILDING SEWER** That part of the drainage system which extends from the end
1554 of the building drain and conveys its discharge to a public sewer, private sewer,
1555 individual sewage disposal system or other point of disposal.

1556 **BUILDING TRAP** A device, fitting or assembly of fittings installed in the building
1557 drain to prevent circulation of air between the drainage system of the building and
1558 the building sewer.

1559 **CESSPOOL** A lined and covered excavation in the ground which receives the
1560 discharge of domestic sewage or other organic wastes from a drainage system, so

1561 designed as to retain the organic matter and solids but permitting the liquids to seep
1562 through the bottom and sides.

1563 **CODE** When used alone, these regulations, subsequent amendments or any
1564 emergency rule or regulation which the Engineer may lawfully adopt.

1565 **COUNTY** Sussex County, Delaware.

1566 **CRITICAL LEVEL** The "critical level" marking on a backflow prevention device
1567 or vacuum breaker is a point established by the manufacturer which determines the
1568 minimum elevation above the flood level rim of the fixture or receptacle served at
1569 which the device may be installed. When a backflow-prevention device does not
1570 bear a "critical level" marking, the combination valve, the bottom of the vacuum
1571 breaker or the bottom of any approved device shall constitute the "critical level."

1572 **CROSS-CONNECTION** Any connection or arrangement between two otherwise
1573 separate piping systems, one of which contains potable water and the other water of
1574 unknown or questionable safety, whereby water may flow from one system to the
1575 other.

1576 **CUSTOMER** Any person, firm, corporation or organization supplied with water
1577 by a Sussex County water district.

1578 **DRAINAGE SYSTEM** Includes all the piping within public or private premises
1579 which conveys sewage or other liquid wastes to a point of disposal. It does not
1580 include the mains of a public sewer or sewage treatment plant.

1581 **ENGINEER or COUNTY ENGINEER** The Sussex County Engineer or his
1582 authorized agent or representative.

1583 **FALL** The slope of a line of pipe in reference to a horizontal plane. In drainage it
1584 is usually expressed as the "fall" in a fraction of an inch per foot length of pipe.

1585 **FLUSHOMETER** A device which discharges a predetermined quantity of water
1586 to fixtures for flushing purposes and is actuated by direct water pressure.

1587 **INTERCEPTOR** A device designed and installed so as to separate and retain
1588 deleterious, hazardous or undesirable matter from normal wastes and permit the
1589 normal waste to discharge into the drainage system by gravity.

1590 **INDUSTRIAL WASTES** Liquid or liquid-borne wastes resulting from the
1591 processes employed in commercial and industrial establishments.

1592 **MAIN VENT** The principal artery of the venting system, to which vent branches
1593 may be connected.

1594 **NATURAL OUTLET** Any outlet into a watercourse, pond, ditch, lake or other
1595 body of surface or ground water.

1596 **PERSON** Any individual, firm, company, association, society, corporation or
1597 group.

1598 **POTABLE WATER** Water which is satisfactory for drinking, culinary and
1599 domestic purposes and meets the requirements of the health authority having
1600 jurisdiction.

1601 **SANITARY SEWER** A sewer which carries sewage and to which storm- surface
1602 and ground waters are not intentionally admitted.

1603 **SEPARATOR** See "interceptor."

1604 **SEPTIC TANK** A watertight receptacle which receives the discharge of a drainage
1605 system and is designed and constructed so as to separate solids from the liquid, digest
1606 organic matter through a period of detention and allow the liquids to discharge into
1607 the soil outside of the tank through a system of open-joint or perforated piping or
1608 disposal pit.

1609 **SEWAGE** A combination of the water-carried wastes from residences, business
1610 buildings institutions and commercial and industrial establishments.

1611 **SEWER** A pipe or conduit for carrying sewage.

1612 **TRAP** A fitting or device so designed and constructed as to provide, when properly
1613 vented, a liquid seal which will prevent the back passage of air without materially
1614 affecting the flow of sewage or wastewater through it.

1615 **VACUUM BREAKER** A device which prevents backsiphonage of water by
1616 admitting atmospheric pressure through ports to the discharge side of device.

1617 **VENT STACK** A vertical vent pipe installed primarily for the purpose of providing
1618 circulation of air to and from any part of the drainage system.

VENT SYSTEM (VENTED) A system of pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

WATER MAIN A water supply pipe for public use.

WATER SERVICE PIPE The pipe from the water main or other source of potable water supply to the water distribution system of the building served.

B. "May" is a permissive word; "shall" is a mandatory term.

PART 2: EXTENSION OF PUBLIC AND/OR SEWER SYSTEMS

Article XI Procedures

§ 110-82 Authorization for extensions; responsibility for costs.

A. Upon written application, the county may permit construction of permanent water systems or sanitary sewer systems where no existing water main or sewer is available.

B. The developer of such property requesting the construction of a new water or sewer system or the extension of the existing water or sewer system shall pay all or a proportion, as determined by county policy, of the total cost of water and/or sewer facilities to be constructed. Such facilities include all wastewater collection and/or water distribution mains and, if applicable, the proportion of water and/or sewerage transmission and treatment/storage facilities required to serve the development. At the option of the county, the developer may install and dedicate the facilities to the county and pay to the county its costs or pay the county a sufficient sum to reimburse the county for the total costs of water and/or sewer facilities to be constructed and the other costs to the county. Regardless of whether the developer or the county undertakes the construction, the cost to be reimbursed to the county shall include engineering, legal fees, interest during construction, administrative costs, inspection expense and other construction-related overhead costs. Administrative costs shall include the sums expended by the county for the extension of sanitary sewer or water district boundaries, expenses incurred in reviewing plans and costs of sewer or water installations and extensions and conducting negotiations.

C. If, at the option of the county, the developer installs the new water or sewer system or the extension of the existing water or sewer system, the construction shall be inspected for compliance with the project construction permit by the County

Engineer or by a consulting engineer selected by the County Engineer, and the cost thereof shall be reimbursed to the county.

§ 110-83 Easements; size of system.

A. Construction or extension of water or sewer facilities shall be made pursuant to grants of easements obtained at the sole expense of the developer.

B. Size.

(1) The developer shall be required to construct all facilities large enough to provide service to his development. If the county requires a developer to install a water or sewer system of a size and/or capacity larger than is required to provide water or collect waste for the area under development, with such excess capacity as determined by the county, an agreement for the reimbursement of the cost of such oversizing will be made with the owner of the area under development.

(2) In order to determine the reimbursement of the cost of such oversizing, the developer shall provide an initial cost estimate at the commencement of the project and final actual costs at the completion of the project for the cost of those sewer and/or water facilities designed and sized to serve the developer's proposed development and the total costs of the sewer or water system designed and sized as required by the county. The amount eligible to be reimbursed to the developer for oversizing will be based on the total actual cost of the oversized sewer and/or water facilities less the cost of the sewer and/or water facilities sized solely to serve the new development. The total cost of the oversized sewer and/or water facilities required by the county shall be certified by the developer's engineer and shall be subject to review by the County Engineer or the consulting engineer of his selection. The amount of reimbursement which shall be made to the developer shall first be paid as credits on the amount of transmission connection charge due from the developer at the time of connection pursuant to § 110-91 of the Sussex County Code. To the extent that the amount of reimbursement exceeds the amount of the transmission connection charge, then the developer and the County Engineer shall negotiate the time and method of reimbursement to the developer. To the extent that the reimbursement is less than the amount of the transmission connection charge due from the developer, the difference shall be paid by the developer to the county in compliance with the requirements of § 110-91 of the Sussex County Code.

§ 110-84 Project construction permit. Prior to the commencement of any construction of water or sanitary sewer facilities under this Part 2, the developer shall

1687 obtain a project construction permit from the county. Said permit shall not be issued
1688 until the following requirements have been met by the developer:

1689 **A.** Submission of plans and specifications for the proposed construction certified by
1690 a registered professional engineer, with said plans and specifications being subject
1691 to approval by the county.

1692 **B.** Submission of a letter of application and affirmation of cost for review and
1693 approval by the county.

1694 **C.** Submission of evidence that all required easements have been approved and
1695 recorded.

1696 **D.** Payment of a construction, administration and inspection fee is required. This
1697 fee shall be included in the schedule of fees adopted as part of the annual Sussex
1698 County budget.

1699 **E.** Payment of the engineering fees for engineering design review is required. This
1700 fee shall be included in the schedule of fees adopted as part of the annual Sussex
1701 County budget.

1702 **§ 110-85 Conveyance of title and interest to county.** Upon completion of
1703 construction of the water or sanitary sewer facilities and final approval of the same
1704 by the county, the applicant shall convey all of its right, title and interest in and to
1705 said water and/or sewer facilities to the county, free and clear of any and all liens,
1706 claims, charges and encumbrances attaching thereto. Said transfer of the right, title
1707 and interest in and to said water or sewer facilities shall be accomplished by such
1708 documentation as to the County Attorney shall seem necessary and appropriate.

1709 **PART 3: SEWER AND WATER ASSESSMENTS AND SERVICE**
1710 **CHARGES**

1711 **Article XII: General Provisions**

1712 **§ 110-86 Definitions and word usage.**

1713 **A.** As used in this Part 3, the following terms shall have the meanings indicated:
1714

1715 **BOD (denoting "biochemical oxygen demand")** The quantity of oxygen utilized
1716 in the biochemical oxidation of organic matter under standard laboratory procedures
1717 in five days at 20° C., expressed in milligrams per liter.

1718 **BUILDING** A structure having walls and a roof designed and used for the housing,
1719 shelter, enclosure or support of persons, animals or property.

1720 **COLLECTION** That portion of the annual assessment fee, as determined by the
1721 county, which is applicable to designing, acquiring and constructing those sanitary
1722 sewer facilities whose major use is collecting wastewater from individual units.

1723 **COUNTY** Sussex County, Delaware.

1724 **DISTRIBUTION** That portion of the annual assessment fee, as determined by the
1725 county, which is applicable to designing, acquiring and constructing those water
1726 facilities whose major use is distributing water to individual units.

1727 **DWELLING** A structure having walls and a roof designed and used for the
1728 housing, shelter, enclosure or support of persons, animals or property.

1729 **EASEMENT** A right acquired by public authority to use or control property for a
1730 designated use. An "easement" restricts but does not abridge the rights of the fee
1731 owner to the use and enjoyment of his land.

1732 **EQUIVALENT DWELLING UNIT (EDU)** An arbitrary term used to express the
1733 load-producing effects on the water system and/or sewerage system caused by one
1734 dwelling place.

1735 **FIXTURE UNIT (FU)** A quantity in terms of which the load-producing effects on
1736 the water system and/or sewerage system of sanitary fixtures are expressed on some
1737 arbitrarily chosen scale.

1738 **LOT** An area of land measured, surveyed and plotted and set apart for separate use
1739 and occupancy.

1740 **MULTIPLE LIVING UNIT** A condominium unit, townhouse unit, apartment unit,
1741 hotel or motel room, manufactured home site, campground site, travel trailer site and
1742 all other types of living units located on a single lot or parcel.

1743 **PARCEL** An area of land measured, surveyed and plotted and set apart, which may
1744 be a lot or may include one or more plotted lots.

1745 **RIGHT-OF-WAY** A legal right of passage over another person's ground acquired
1746 by public authority.

1747 **SEWERAGE SYSTEM** All facilities for collecting, pumping, treating and disposal
1748 of sewage.

1749 **STREET** A public or private thoroughfare which affords the principal means of
1750 access to abutting property having a minimum right-of-way width of 50 feet or, prior
1751 to the enactment of the Sussex County Subdivision Ordinance by the Sussex County
1752 Council on January 1, 1977, having a right-of-way width as platted of record in the
1753 office of the Recorder of Deeds in and for Sussex County.

1754 **STREET FOOTAGE** Assessable parcel or lot footage measurement as determined
1755 in this Part 3 and by the Official Sussex County Property Map.

1756 **SUSPENDED SOLIDS** Solids that float on or are suspended in water, sewage or
1757 industrial wastes and which are removable by a laboratory filtration device,
1758 expressed in milligrams per liter.

1759 **TRANSMISSION AND TREATMENT** That portion of the annual assessment fee
1760 as determined by the county which is applicable to the designing, acquiring and
1761 constructing of water facilities whose major use is transmitting water to distribution
1762 lines, storing and/or treating water and pumping; and sanitary sewer facilities whose
1763 major use is transmitting and pumping wastewater to the treatment plant and treating
1764 and discharging the wastewater.

1765 **WATER SYSTEM** All facilities for supplying, treating, storing, transmitting,
1766 distributing and measuring water.

1767 **B.** "May" is a permissive word; "shall" is a mandatory word.

1768 **Article XIII: Sewer and Water Assessments**

1769 **§ 110-87 Annual assessment roll.**

1770 **A.** The Sussex County Council each year shall, after a public hearing, establish an
1771 annual assessment roll for the sanitary sewer or water district, which shall be known
1772 as the "sanitary sewer district assessment" or "water district assessment."
1773

1774 **B.** Notice of the public hearing shall state that the assessment roll has been
1775 completed and filed and that, at the time and place fixed for the public hearing, the
1776 county government will meet and hear and consider any objections which may be
1777 made to the assessment roll. Notice of the public hearing shall be published in a
1778 newspaper published within Sussex County and having a general circulation in the

county once in each of the two weeks immediately preceding the week in which the public hearing is to be held.

C. After holding the public hearing, the county government may change or amend the assessment roll as it deems necessary or just and may confirm and adopt the assessment roll as originally proposed or as amended and changed.

§ 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.

§ 110-89 (Reserved)

§ 110-90 Plant connection charge.

A. As a reimbursement for past sums expended for retiring bonds and/or notes which have been issued for a sanitary sewer district to design, acquire and construct a respective sewerage plant which consists of a sewage treatment and disposal system or a respective water well, treatment and storage system, and as a contribution of capital toward the future expansion or replacement of water or sewage treatment and/or disposal facilities, the plant connection charge shall be applicable to the following list of structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter, which will use the water or sewage treatment facilities leased or owned by the county. The plant connection charge shall apply to each dwelling(s) or building(s) located on a lot or parcel, and to each other establishment or facility to which EDU's are assigned pursuant to this chapter:

(1) In a new water or sanitary sewer district, where existing water or sewage treatment and/or disposal facilities are utilized.

(2) In an existing water or sanitary sewer district that previously could not connect to a water or sanitary sewer main or which may have otherwise been previously exempt from payment of water or sanitary sewer assessments under **§ 110-94** of this Part 3.

1814 **(3)** In a new water or sanitary sewer district where there are no existing water
1815 or sewage treatment and/or disposal facilities utilized, and when such structure(s) is
1816 assessed more than one equivalent dwelling unit (EDU) to the extent that such
1817 assessment exceeds one EDU.

1818 **(4)** In an existing or new water or sanitary sewer district when such
1819 structure(s) is expanded or reconstructed to the extent that the revised number of
1820 EDU's exceed the EDU assignment prior to such expansion or reconstruction.

1821 **(5)** To all new connections in an existing water or sanitary sewer district.

1822 **B.** Such plant connection charge shall be based on a proportion, as determined by
1823 the county, of amounts sufficient to compensate the county for all or a proportion,
1824 as determined by the county, of the total amount required to reimburse the county
1825 for previous sums expended for retiring bonds and/or notes which were issued to
1826 plan, design, acquire and construct a sewerage or water system and/or the capital
1827 costs required to plan, design, acquire, construct or replace facilities to serve users
1828 of the water or sewage treatment and disposal system. The amount required from
1829 dwellings, structures or other establishments or facilities to which EDU's are
1830 assigned pursuant to this chapter subject to the plant connection charge to
1831 compensate the county shall be based upon the number of EDU's as determined in
1832 Article **XIV** of this Part **3** and the amount to be recovered by the charge as
1833 determined by the county. Any increase in the number of EDU's shall result in the
1834 assessment of additional plant connection charge(s).

1835 **C.** The plant connection charge provided for herein shall be in addition to all other
1836 charges and assessments made in connection with the furnishing of water or sewer
1837 service and shall be billed and payable in a manner determined by the county. The
1838 plant connection charge shall be a lien on the property and shall be collected by the
1839 county as are other county taxes. The properties against which such connection
1840 charges are levied shall be liable for the payment of the connection charges in the
1841 same manner as they are liable for other county taxes.

1842 **D.** For purpose of development and application of a plant connection charge, such
1843 fee may be combined with the transmission connection charge into an overall system
1844 connection charge.

1845 **§ 110-91 Transmission connection charge.**

1846 **A.** As a reimbursement for past sums expended for retiring bonds which have been
1847 issued for a sanitary sewer district or a water district to design, acquire and construct

a respective sewage transmission system or a respective water transmission system and as a contribution of capital toward the future expansion or replacement of water or sewage transmission facilities, the transmission connection charge shall be applicable to the following list of structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter, which will use the water or sewage transmission facilities leased or owned by the county. The transmission connection charge shall apply to each dwelling(s) or building(s) located on a lot or parcel, and to each other establishment or facility to which EDU's are assigned pursuant to this chapter:

(1) In a new water or sanitary sewer district, where existing water or sewage treatment and/or disposal facilities are utilized.

(2) In an existing water or sanitary sewer district that previously could not connect to a water or sanitary sewer main or which may have otherwise been previously exempt from payment of water or sanitary sewer assessments under § 110-94 of this Part 3.

(3) In a new water or sanitary sewer district where there are no existing water or sewage treatment and/or disposal facilities utilized, and when such structure(s) is assessed more than one equivalent dwelling unit (EDU) to the extent that such assessment exceeds one EDU.

(4) In an existing or new water or sanitary sewer district when such a structure(s) is expanded or reconstructed to the extent that the revised number of EDU's exceed the EDU assignment prior to such expansion or reconstruction.

(5) To all new connections in an existing water or sanitary sewer district.

B. Such transmission connection charge shall be based on a proportion, as determined by the county, of amounts sufficient to compensate the county for all or a proportion, as determined by the county, of the total amount required to reimburse the county for previous sums expended for retiring bonds which were issued to plan, design, acquire and construct a sewerage or water system and/or the capital costs required to plan, design, acquire, construct and replace facilities to serve users of the water or sewage treatment and disposal system. The amount required from dwellings, structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter subject to the transmission connection charge to compensate the county shall be based upon the number of EDU's as determined in Article XIV of this Part 3 and amount to be recovered by the charge as determined

by the county. Any increase in the number of EDU's shall result in the assessment of additional transmission connection charge(s).

C. The transmission connection charge provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service and shall be billed and payable in a manner determined by the county. The transmission connection charge shall be a lien on the property and shall be collected by the county as are other county taxes. The properties against which such connection charges are levied shall be liable for the payment of the connection charges in the same manner as they are liable for other county taxes.

D. For the purpose of development and application of a transmission connection charge, such fee may be combined with the plant connection charge into an overall system connection charge.

§ 110-92 Street footage measurements. Separate street footage measurements for collection/distribution and transmission and treatment purposes shall be completed for every assessable lot or parcel in each district.

A. Street footage for collection/distribution purposes. Street footage for collection/distribution purposes for every assessable lot or parcel in each district shall be computed by the procedures enumerated:

(1) Where the parcel contains two or more recorded lots, the street footage measurement for the parcel shall be the total of the street footage measurements of those lots within the parcel, except that, where two or more adjacent lots are set apart and occupied and used for the same purpose, the street footage measurement shall be determined by the total measurements of the lots set apart.

(2) A lot or parcel in a street with one side only footing the street shall be assessed the total street footage.

(3) A lot or parcel on two or more streets shall be assessed the total street footage of the shortest side of the lot or parcel.

(4) A lot or parcel is a lot or parcel fronting two or more streets when the angle of the extended street center line is 135° or less, and it shall be assessed as a lot or parcel on two or more streets.

(5) A lot or parcel abutting water shall be assessed on deed dimension or as measured on the Official Sussex County Property Map.

1915 **(6)** A lot or parcel on a cul-de-sac shall be assessed the total street footage.

1916 **(7)** Where a lot or parcel configuration contains an arc, the length of the arc
1917 shall be used as street footage measurements. When an arc forms a lot or parcel
1918 corner, the center of the measured arc shall constitute the corner.

1919 **(8)** When a lot or parcel has an easement across it by any public authority,
1920 the easement shall have no bearing on the assessment. When a lot or parcel has a
1921 right-of-way across it by any public authority, the right-of-way shall be deducted
1922 from the lot or parcel dimension.

1923 **(9)** In no case shall a lot, parcel or other individually owned property be
1924 assessed less than 40 feet.

1925 **(10)** Where a lot or parcel contains multiple living units or building(s) and/or
1926 dwelling(s) with a number of assigned equivalent dwelling units greater than one,
1927 which is served by a county sewage or water system, the lot or parcel shall be
1928 assessed on the assessable footage of streets within the lot or parcel and abutting the
1929 public street or the number of assigned equivalent dwelling units times 40,
1930 whichever is greater.

1931 **(11)** A lot or parcel shall be considered irregular in shape when the area of
1932 the lot or parcel is in proportion $\frac{1}{2}$ or less of the area of a rectangular- or square-
1933 shaped lot or parcel having the same actual total street footage dimension and the
1934 same maximum depth dimension as the lot or parcel being considered as irregular in
1935 shape. The maximum depth dimension shall be measured perpendicular to the actual
1936 total street footage dimension and shall not be located for any portion outside of the
1937 physical boundaries of the lot or parcel being considered as irregular in shape. An
1938 irregular-shaped lot or parcel shall be assessed a total footage assessment equal to
1939 the area of the lot or parcel divided by the maximum depth of the lot or parcel as
1940 defined herein.

1941 **(12)** Those lots or parcels designated as wetlands by state authority and
1942 requiring a proper permit prior to being improved shall not be assessed until such
1943 time as a permit is obtained.

1944 **(13)** Any lot or parcel reduced in size, by reason of acquisition by public
1945 authority, beyond that required by existing Zoning Ordinances for a structure to be
1946 built shall not be assessed.

1947 **(14)** Notwithstanding the provisions of Subsection A**(1)** through **(13)** of this
1948 section, computed street footage measurements for a lot or parcel may be adjusted
1949 as necessary to assure that each lot or parcel is assigned a reasonable assessment, in
1950 the opinion of the County Engineer, for its responsibility in water or sewer facilities
1951 available in providing service to such lot or parcel.

1952 **B.** Street footage for transmission and treatment purposes. Street footage for
1953 transmission and treatment purposes for every assessable lot or parcel in each district
1954 shall be computed by the procedures enumerated:

1955 **(1)** Where a parcel contains two or more recorded lots, the street footage
1956 measurement for the parcel shall be the total of the street footage measurements of
1957 those lots within the parcel, except that, where two or more adjacent lots are set apart
1958 and occupied and used for the same purpose, the street footage measurement shall
1959 be determined by the total measurements of the lots set apart.

1960 **(2)** A lot or parcel in a street with one side only footing the street shall be
1961 assessed the total street footage.

1962 **(3)** A lot or parcel on two or more streets shall be assessed the total street
1963 footage of the shortest side of the lot or parcel.

1964 **(4)** A lot or parcel is a lot or parcel fronting two or more streets when the
1965 angle of the extended street center line is 135° or less, and it shall be assessed as a
1966 lot or parcel on two or more streets.

1967 **(5)** A lot or parcel abutting water shall be assessed on deed dimension or as
1968 measured on the Official Sussex County Property Map.

1969 **(6)** A lot or parcel on a cul-de-sac shall be assessed the total street footage.

1970 **(7)** Where a lot or parcel configuration contains an arc, the length of the arc
1971 shall be used as street footage measurements. When an arc forms a lot or parcel
1972 corner, the center of the measured arc shall constitute the corner.

1973 **(8)** When a lot or parcel has an easement across it by any public authority,
1974 the easement shall have no bearing on the assessment. When a lot or parcel has a
1975 right-of-way across it by any public authority, the right-of-way shall be deducted
1976 from the lot or parcel dimension.

1977 **(9)** In no case shall a lot, parcel or other individually owned property be
1978 assessed less than 40 feet.

1979 **(10)** Where a lot or parcel contains multiple living units or building(s) and/or
1980 dwelling(s) with a number of assigned equivalent dwelling units greater than one,
1981 which is served by a building sewer or water service pipe, the lot or parcel shall be
1982 assessed the actual lot or parcel assessment by street footage dimensions or the
1983 number of assigned equivalent dwelling units times 40, whichever is greater.

1984 **(11)** Where a lot or parcel contains multiple living units or building(s) and/or
1985 dwelling(s) with a number of assigned equivalent dwelling units greater than one,
1986 which is served by a county sewerage system or water system, the lot or parcel shall
1987 be assessed on the assessable footage of streets within the lot or parcel and abutting
1988 the street or the number of assigned equivalent dwelling units times 40, whichever
1989 is greater.

1990 **(12)** A lot or parcel shall be considered irregular in shape when the area of
1991 the lot or parcel is in proportion 1/2 or less of the area of the rectangular- or square-
1992 shaped lot or parcel having the same actual total street footage dimension and the
1993 same maximum depth dimension as the lot or parcel being considered as irregular in
1994 shape. The maximum depth dimension shall be measured perpendicular to the actual
1995 total street footage dimension and shall not be located for any portion outside of the
1996 physical boundaries of the lot or parcel being considered as irregular in shape. An
1997 irregular-shaped lot or parcel shall be assessed a total footage assessment equal to
1998 the area of the lot or parcel divided by the maximum depth of the lot or parcel as
1999 defined herein.

2000 **(13)** Those lots or parcels designated as wetlands by state authority and
2001 requiring a proper permit prior to being improved shall not be assessed until such
2002 time as a permit is obtained.

2003 **(14)** Any lot or parcel reduced in size, by reason of acquisition by public
2004 authority, beyond that required by existing Zoning Ordinances for a structure to be
2005 built shall not be assessed.

2006 **(15)** Notwithstanding the provisions of Subsection **B(1)** through **(14)** of this
2007 section, computed street footage measurements for a lot or parcel may be adjusted
2008 as necessary to assure that each lot or parcel is assigned a reasonable assessment, in
2009 the opinion of the County Engineer, for its responsibility in water or sewer facilities
2010 available in providing service to such lot or parcel.

2011 **§ 110-93 Collection of assessment fees.**

2012 **A.** The annual sanitary sewer assessment fee or water assessment fee shall be a lien
2013 on the property and shall be collected by the county government as are other county
2014 taxes. The properties against which such assessments are levied shall be liable for
2015 the payment of the assessments in the same manner as they are liable for other county
2016 taxes.

2017
2018 **B.** A lot or parcel, whether vacant or occupied, shall become liable for a sanitary
2019 sewer assessment fee or water assessment fee when a connection from the main
2020 sewer or water main is or can be made to the lot or parcel.

2021 **C.** The annual sanitary sewer assessment fee or the annual water assessment fee
2022 shall be billed and collected on a regularly scheduled basis established by the county.

2023 **§ 110-94 Property exempt from assessment.**

2024 **A.** No assessment shall be made against any property during the period in which it
2025 is not subject to taxation and assessment for county and municipal purposes. Should
2026 the property become subject to taxation and assessment for county and municipal
2027 purposes, then the connection charges more fully defined in §§ **110-90** and **110-91**
2028 of this Part **3** shall be levied as a result of and for the period of the exemption.

2029
2030 **B.** No assessment shall be made against that portion of a parcel during the period
2031 in which the portion qualifies for agricultural, horticultural or forest uses as more
2032 fully defined by 9 Del. C. §§ 8330 through 8337, inclusive. Should that portion of a
2033 parcel no longer qualify for such agricultural, horticultural or forest uses, then the
2034 connection charges more fully defined in §§ **110-90** and **110-91** of this Part **3** shall
2035 be levied as a result of and for the period of the exemption.

2036 **§ 110-95 Adjustment of assessment.**

2037 **A.** In the case where a sanitary sewer or water district shall include areas wherein
2038 sanitary sewer or water systems have been constructed under the authority of the
2039 county government or by municipalities, corporations or individuals, the necessary
2040 adjustments shall be made with each property owner for those costs already incurred
2041 by the property owner when those sewers and water systems were constructed. Such
2042 excess costs shall be credited to assessments levied by the county.

2043
2044 **B.** Where a condition on which an original assessment was based changes, such as
2045 lot or parcel division, street construction or construction of multiple-dwelling

2046 buildings, then that lot or parcel will be reassessed and liable for the revised
2047 assessment.

2048 **Article XIV: Service Charges**

2049 **§ 110-96 Establishment of annual service charges; determination of amount of**
2050 **charge.**

2051 **A.** A sanitary sewer service charge or a water service charge shall be established
2052 each year for each sanitary sewer district or water district.

2053
2054 **B.** Sufficiency of charges.

2055 (1) The sanitary sewer service charge shall be sufficient to reimburse the
2056 county for sums to be expended for operating, maintaining and improving the
2057 sewerage system and for a proportion, as determined by the county, of sums to be
2058 expended for retiring bonds which have been issued for planning, designing,
2059 acquiring and constructing the sewerage system.

2060 (2) The water service charge shall be sufficient to reimburse the county for
2061 sums to be expended for operating, maintaining and improving the water system and
2062 for a proportion, as determined by the county, of sums to be expended for retiring
2063 bonds which have been issued for planning, designing, acquiring and constructing
2064 the water system.

2065 **C.** The amount required each year for sewer or water service charges shall be based
2066 upon the equivalent dwelling units defined herein and upon the provisions of §§ **110-**
2067 **97 and 110-98** of this Part 3.

2068 **D.** Equivalent dwelling units (EDU's) shall be determined as enumerated below.

Type of Establishment	Number of EDU's
House or dwelling with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen	1.0
Dwelling with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen and attached to other dwellings or structures	1.0
Manufactured home with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen	1.0
Apartment with 1 kitchen and 1 or more baths	1.0

Type of Establishment	Number of EDU's
and bedroom(s) separate from kitchen	
Efficiency unit or a rental vacation cottage having a living space in 1 room and having 1 bath	0.6
Motel or hotel room without kitchen and with bath	1/3
Gas station with 1 service bay	2.0
Each additional gas station service bay in excess of 1	1.0
Retail store(s) building(s) 0.10 GPD/SF, 300 GPD = 1 EDU	1.0 minimum per building
Laundromat, 300 GPD/washer, 300 GPD = 1 EDU	6.0 minimum
Office units, 0.3 GPD/SF, 300 GPD = 1 EDU	1.0 minimum per building
Car wash	
Self-service	1.0 per stall
Self-service and recycling water	0.2 per stall
Semi-automatic (mechanical without conveyor)	5.0 per stall
Semi-automatic (mechanical without conveyor) conserving and recycling water	1.2 per stall
Automatic with conveyor	33.0 per lane
Automatic with conveyor conserving and recycling water	13.6 per lane

E. Establishments listed below in Subsection **E(3)** shall be assigned equivalent dwelling units (EDU's) as multiples of a basic dwelling house having an assignment of one equivalent dwelling unit (EDU).

(1) A basic dwelling house shall be considered as:

- (a)** One sink: two fixture units.
- (b)** One toilet: two fixture units.
- (c)** One lavatory: one fixture unit.
- (d)** One bath or shower: one fixture unit.

(2) One equivalent dwelling unit shall be equal to six fixture units. For assessment purposes, fixture units shall be assigned as follows. A minimum of one equivalent dwelling unit will be assigned.

- (a) Sink: two fixture units.
- (b) Washstand or lavatory: one fixture unit.
- (c) Toilet: two fixture units.
- (d) Bath and shower: one fixture unit.
- (e) Mop sink or service sink: one fixture unit.
- (f) Flush urinal: one fixture unit.
- (g) Continuous flush urinal: three fixture units.
- (h) Convenience outlet: one fixture unit.
- (i) Domestic dishwasher: one fixture unit.
- (j) Commercial dishwasher: three fixture units.
- (k) Drinking fountain: one fixture unit.
- (l) Garbage disposal: one fixture unit.
- (m) Washing machine: one fixture unit.
- (n) Faucet: one fixture unit.
- (o) Floor drain: one fixture unit.

(3) Enumeration of establishments.

- (a) Churches and attached facilities and buildings.
- (b) Fire stations.
- (c) Convention halls and public gathering places.
- (d) Municipal buildings.
- (e) Bus stations and other public depots.
- (f) Marinas with sanitary facilities for employees only.

F. Establishments listed below shall be assigned equivalent dwelling units (EDU's) as a fixed number of equivalent dwelling units plus a number of equivalent dwelling units based on the number of fixture units (FU's).

Type of Establishment	Number of EDU's
Drive-in food service	1 EDU + FU/6 EDU's
Delicatessen, eat-in and take-out	1 EDU + FU/6 EDU's
Bars and lounges with no food service	1 EDU/150 seats + FU/6 EDU's
Restaurants and eating places, including combination eat-in and take-out and eating places with bar(s)	1 EDU/50 seats + FU/6 EDU's
Gas station with no service bay	FU/6 (1 EDU minimum)

Type of Establishment**Number of EDU's**

Marina without boat waste-pumping facilities

1 EDU/200 boat slips + FU/6 EDU's

Marina with boat waste-pumping facilities

1 EDU/ 100 boat slips + FU/6 EDU's

Campgrounds and recreational vehicle parks with
waste-handling and/or water facilities

1 EDU/4 sites + FU/6 EDU's

Campgrounds and recreational vehicle parks without
waste-handling and water facilities

1 EDU/8 sites + FU/6 EDU's

Theaters, indoor

1 EDU/60 seats

Theaters, outdoor

1 EDU/30 spaces

2108 **G.** Equivalent dwelling units shall be assigned to establishments not covered in
2109 Subsections **D**, **E(3)** and **F** above to assure that each establishment, in the opinion of
2110 the County Engineer, is given a reasonable assignment compatible with its
2111 responsibility in water or sewer facilities providing service to each establishment.

2112

2113 **H.** If an establishment does not have any physical facilities which have a load-
2114 producing effect on the water system or the sewerage system, then its number of
2115 equivalent dwelling units assigned shall be zero.

2116

2117 **I.** The number of EDU's assigned an establishment may be changed if there is a
2118 change in any of the considerations, such as size or use of facilities, used in assigning
2119 the EDU's originally.

2120

2121 **J.** Notwithstanding anything contained in this section to the contrary, utilizing
2122 equipment manufacturer's specifications, the County Engineer may adjust the EDU
2123 assessment for commercial laundromats or commercial car washes assigned in
2124 § 110-96D.

2125

2126 **§ 110-97 Basis for water service charge.**

2127 **A.** In the form and content determined to be appropriate by the county, the water
2128 service charge shall be developed based upon consideration of such factors as
2129 volume, capacity or peak rates of water use and the number of equivalent dwelling
2130 units assigned to the users of the water system.

2131
2132 **B.** Where a property subject to a water service charge is equipped with a water
2133 meter, the portion of the service charge related to water consumption may be based
2134 on or computed on the consumption of water as indicated by the water meter. For
2135 properties not served by a water meter or where metered water consumption is not
2136 known, an estimated quantity of water use associated with the number of equivalent
2137 dwelling units assigned to the property shall be used in lieu of metered water
2138 consumption.

2139
2140 **§ 110-98 Basis for sewer service charge.**

2141 **A.** In the form and content determined to be appropriate by the county, the sewer
2142 service charge shall be developed based upon consideration of such factors as
2143 volume, capacity or peak rates of flow, sewage strength and the number of equivalent
2144 dwelling units assigned to the users of the sanitary sewer district. In the development
2145 of the sewer service charge, consideration shall also be given to complying with
2146 regulations of the United States Environmental Protection Agency pursuant to Public
2147 Law 92-500, as amended.

2148
2149 **B.** Where a property subject to a sewer service charge is equipped with a water
2150 meter, the portion of the sewer charge related to water consumption may be based
2151 on or computed on the consumption of water as indicated by the water meter. The
2152 quantity of water consumed shall be presumed to be the same as the volume of
2153 wastewater discharged to the sanitary sewer system. For properties not served by a
2154 water meter or where metered water consumption is not known, an estimated
2155 quantity of water use associated with the number of equivalent dwelling units
2156 assigned to the property shall be used in lieu of metered water consumption.

2157
2158 **C.** The sewer service charge shall also include a surcharge for discharging any
2159 wastes into the sanitary sewer system which exceed the maximum values of
2160 polluting materials established by a surcharge formula. Surcharges shall be based
2161 upon the volume and concentration of flow discharged to the sanitary sewer
2162 multiplied by factors expressing the costs of treating the constituents covered by the
2163 formula.

2164 (1) The amount of surcharge will be determined from the following
2165 formula:

$$S = V_s \times 8.34 R_b (C_b - 250) + R_s (C_s - 250)$$

Where

S = Surcharge in dollars.

V_s = Volume of sewage in millions of gallons discharged to the sanitary sewer system.

8.34 = Pounds per gallon of water.

R_b = Unit rate for biochemical oxygen demand (BOD) in dollars per pound.

C_b = BOD strength index in milligrams per liter by weight.

R_s = Unit rate for suspended solids in dollars per pound.

C_s = Suspended solids strength index in milligrams per liter by weight.

250 = Allowable BOD and suspended solids strength in milligrams per liter.

2166 (2) The volume of sewage and the BOD and suspended solids
2167 concentrations of the sewage contributed by a user of the system shall be
2168 determined in a manner considered to be appropriate by the County
2169 Engineer.

2170 (3) Notwithstanding the formula stated in Paragraphs (1) and (2) herein,
2171 where deemed appropriate and necessary by the County Engineer, the amount
2172 of the surcharge may be determined by a formula to be set by contract between
2173 the county and any municipality or other operator of a wastewater treatment
2174 facility.

2175
2176 **§ 110-99 Adjustment of sewer service charge for water not reaching sewer.**

2177 Where the service charge is based on metered water consumption, an exemption may
2178 be made for that portion of water consumed on a property that does not reach the
2179 sewerage system. An exemption shall be granted, provided that the owner of the
2180 property subject to the sewer service charge:

2181
2182 **A.** Makes written application to the county requesting an exemption of that
2183 portion of water consumed not reaching the sewerage system.

2184
2185 **B.** Pays the necessary cost to have one or more additional separate water meters
2186 installed so that one or more water meters will measure only the water consumed on
2187 the property and subject to the service charge.

2188
2189 C. Rearranges the water piping, if necessary. on the property, so that it is not
2190 possible to interconnect the water piping for the water to be exempt from the sewer
2191 service charge with the water piping carrying water which would reach the sewer.
2192

2193 **§ 110-100 Collection of service charges.**

2194 A. The sanitary sewer service charge or the water service charge shall be billed
2195 and collected on a regularly scheduled basis established by the county.
2196

2197 B. A sanitary sewer service charge or a water service charge shall be charged to
2198 any person contracting for direct or indirect connection with or the use or services
2199 of the respective sewerage system or the respective water system. Such sanitary
2200 sewer service charges or water service charges shall be charged to and collected from
2201 any person contracting for such connection or use or service or from the owner or
2202 occupant, or both of them, of any real property which directly or indirectly is or has
2203 been connected with the respective sewerage system or the respective water system.
2204 and the owner or occupant, or both of them, of any such real property shall be liable
2205 for and shall pay such respective sanitary sewer service charges or water service
2206 charges to the county.
2207

2208 C. Property shall be subject to a sanitary sewer service charge or a water service
2209 charge when the property is connected to the county's sewerage system or water
2210 system or 60 days following the date of official notice from the county to connect to
2211 the sewerage or water system, and such service charge shall be prorated for that
2212 regularly scheduled period in which the service charge is commenced.
2213

2214 **§ 110-101 Failure to pay charges when due.**

2215 A. In the event that a service charge with regard to any parcel of real property is
2216 not paid as and when due, interest shall accrue and be due to the county on the unpaid
2217 balance at the rate of 1% simple interest per month or any fraction thereof until the
2218 service charge and interest thereon shall be fully paid to the county.
2219

2220 B. In the event that any service charge with respect to any parcel of real property
2221 is not paid as and when due, the county government may, in its discretion, enter upon
2222 such parcel and cause the connection thereof leading directly or indirectly to the
2223 sewerage or water system to be cut and shut off until the service charge and any
2224 subsequent service charges with regard to such lot or parcel and all interest accrued
2225 thereon are fully paid.

2226
2227 **§ 110-102 Additional sewer laterals or water services.**

2228 **A.** More than one sewer lateral or water service may be provided by the county
2229 for each lot or for each two or more adjacent lots set apart and occupied and used for
2230 the same purpose, provided that the owner of the lot(s) requests such additional
2231 sewer lateral(s) or water service(s). The charge for such additional sewer lateral(s)
2232 or water service(s) shall be set by the county and shall be the actual cost of labor and
2233 material at the time of installation plus county overhead cost. Such charges will be
2234 billed and due prior to work beginning and will be based on the estimated cost of the
2235 work to be performed. The charge will be adjusted when final costs are available,
2236 and any additional costs will be billed and due at that time.

2237
2238 **B.** In the event that a charge is not paid as and when due, interest shall accrue
2239 and be due to the county on the unpaid balance at the rate of 1% simple interest per
2240 month or any fraction thereof until the charge and interest thereon shall be fully paid
2241 to the county.

2242
2243 **C.** In the event that a charge is not paid as and when due the county government
2244 may, in its discretion, enter upon such parcel and cause the connection thereof
2245 leading directly or indirectly to the sewage or water system to be cut off and shut off
2246 until the charge and any subsequent charges with regard to such lot or parcel and all
2247 interest accrued thereon are fully paid.

2248
2249 **D.** All charges for work performed by the county under this section shall be
2250 considered liens on the property, and the county shall reserve the right to refuse any
2251 additional work to such properties until all liens have been satisfied.

2252
2253 **Article XV: Appeals**

2254
2255 **§ 110-103 Appeals to Board of Assessment Review.** A property owner may
2256 appeal any assessment measurement or equivalent dwelling unit assignment to the
2257 Board of Assessment Review.

2258
2259 **A.** The Board shall hear the appeal from any property owner who alleges that his
2260 property has been incorrectly measured for the purpose of sanitary sewer or water
2261 assessment or incorrectly assigned equivalent dwelling units for the purpose of a
2262 sanitary sewer or water service charge.

B. Following the hearing of any property owner and, in the light of the facts produced at such hearing, the Board shall determine whether the street footage measurement or the equivalent dwelling unit assignment is correct. Should the Board find that the street footage measurement or equivalent dwelling unit assignment is incorrect, the Board shall order the County Engineer to and the County Engineer shall correct the street footage measurement or equivalent dwelling unit assignment.

§ 110-104 Judicial review. Nothing herein shall be construed as limiting the right of a property owner to appeal to the courts in connection with the street footage measurement or equivalent dwelling unit measurement as provided by law.

PART 4: SEWER CONNECTIONS IN NORTH BETHANY BEACH COASTAL AREA

Article XVI General Provisions

§ 110-105 Equivalent dwelling unit limitation. On all undeveloped lands within the North Bethany Beach Coastal Area, the County Engineer shall provide the necessary sewer connection permits only after a determination that the application for sewer connection does not exceed four equivalent dwelling units per gross acre. Permit applications which exceed four EDU's per gross acre shall be denied, and sewer connection shall be unlawful without said permit.

§ 110-106 Wetlands. Wetlands, as identified by the Delaware Department of Natural Resources and Environmental Control, shall not be considered as acreage in the computation of gross acreage for EDU calculations.

§ 110-107 Undeveloped lands. The term "undeveloped lands" includes land currently occupied as a nonconforming use; however, nothing herein shall impair the legality of the existing and continuing nonconforming use nor its ability to lawfully enlarge said use. Residential properties for which conditional use permits have been issued as of the date of the enactment of this Part 4 shall be considered as developed property.

§ 110-108 Legislative intent construal of provisions. This Part 4 is enacted for the purpose of permitting an equitable allocation of sewage capacity and to avoid imposing upon the public the cost of additional sewer expansion and the physical disruption necessitated by additional sewer construction. This section shall not be

construed to prevent expansion of the sewer system when deemed appropriate by the County Council of Sussex.

§ 110-109 Scope. The provisions of this Part 4 shall be applied uniformly throughout the North Bethany Beach Coastal Area, and this Part 4 shall not be used as a rationale for rezoning.

Article XVII: Connection of Scattered Parcels

§ 110-110 Definitions. As used in this Article, the following terms shall have the meanings indicated:

SCATTERED PARCEL Any single parcel of land consisting of less than 1 1/2 acres at the time of the enactment of Part 4 and abutted at that time on at least two sides by developed property.

§ 110-111 Authority of County Engineer. The County Engineer may grant connections to scattered parcels at the equivalent dwelling unit (EDU) density of the abutting property, but in no instance at an EDU density exceeding 18 EDU's per acre.

§ 110-112 Conditions for grant of connections. The connection for scattered parcels may be granted by the County Engineer only upon a study and a written determination by him that the proposed connection will not overload the capacity of existing sewer facilities, taking into account the full development capacity of the other parcels within the area encompassed by this Part 4.

PART 5: TRANSFER, EXCHANGE OR CONVEYANCE OF EQUIVALENT DWELLING UNITS

Article XVIII Restrictions

§ 110-113 Prohibition. The transfer, exchange or conveyance of equivalent dwelling units (EDU's) as designated and allocated by the County Engineer and the County Engineer's sewer facilities study (formally entitled "Preliminary Report, Treatment Plant Expansion No. 1, South Coastal Regional Wastewater Facility, Sussex County, Delaware," second revision, published March 21, 1986) shall be prohibited.

2339
2340 **§ 110-114 Exceeding designated maximum number of EDU's.** The County
2341 Engineer's sewer facilities study, March 8, 1986, (formally entitled "Preliminary
2342 Report, Treatment Plant Expansion No. 1, South Coastal Regional Wastewater
2343 Facility, Sussex County, Delaware," second revision, published March 21, 1986) or
2344 a subsequent study of the County Engineer's office authorized by the County Council
2345 which allocates and designates the maximum number of EDU's per acre of
2346 developed and undeveloped land within the sewer districts of Sussex County shall
2347 hereafter the date of the adoption of this Part 5 not be exceeded by landowners,
2348 unless the landowner provides the sewer infrastructure as further provided in Part 2
2349 of this chapter. The governmental bodies of Sussex County which deal with land use
2350 applications shall hereafter make reference to and shall abide by the allocations and
2351 designations of EDU's set forth therein, unless the landowner provides the sewer
2352 infrastructure as further provided in Part 2 of this chapter.

2353
2354 **§ 110-115 Legislative intent construal of provisions.** This Part 5 is enacted for
2355 the purpose of permitting an equitable allocation of sewage capacity and to avoid
2356 imposing upon the public the cost of additional sewer expansion and the physical
2357 disruption necessitated by additional sewer construction. This section shall not be
2358 construed to prevent expansion of the sewer system when deemed appropriate by the
2359 County Council of Sussex.

2360
2361 **§ 110-116 Scope.** The provisions of this Part 5 shall be applied uniformly
2362 throughout all sewer districts in Sussex County.

2363
2364 **§ 110-117 Exemption.** Any land which is the subject of a validly approved
2365 Zoning Ordinance or recorded subdivision plat or approved site plan located within
2366 the boundaries of a current Sussex County sanitary sewer district shall be exempt
2367 from the provisions of this Part 5 as of the date of the adoption of this Part 5. Land
2368 within the boundaries of incorporated municipalities which are located within the
2369 boundaries of the county sewer districts shall be granted and allocated EDU's
2370 pursuant to the zoning density scheme existing at the date of the adoption of this Part
2371 5.

2372
2373 **§ 110-118 Applicability of other legislation.** This Part 5 is intended to be
2374 interpreted and utilized in conjunction with the language of Part 2 of this chapter.
2375 The area encompassed in the North Bethany extension of the Bethany Beach
2376 Sanitary Sewer District, which is the subject of Part 4 of this chapter, shall be

governed by Part 4 of this chapter and shall not be subject to the conditions or requirements of § 110-114 or 110-117 of this Part 5.

PART 6: SEWER AND WATER DISTRICTS

Article XIX Absentee Voting

§ 110-119 Purpose. This Article shall provide that those qualified voters of a proposed sanitary sewer and/or water district established, or being established, pursuant to Chapter 65, Title 9, of the Delaware Code, who shall be unable to appear to cast their ballots at the polling place at any such election may be able to cast such a ballot to be counted in the district, if such a privilege has been granted to them herein.

§ 110-120 Eligibility for voting by absentee ballot. Any qualified voter of the sanitary sewer and/or water district may cast his vote by absentee ballot if he is unable to appear at the designated polling place or places due to the following reasons:

A. Because such person is in the public service of the United States, or is a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or his spouse or dependents when residing with or accompanying him, or is absent from the state because of illness or injury received while serving in the Armed Forces of the United States;

B. Because such person is unavoidably absent from the county because of the nature of his or her business or occupation;

C. Because such person is sick or physically disabled;

D. Because such person is absent from the district while on vacation;

E. Because such person is unable to vote at a certain time or on a certain day due to the tenets or teachings of his religion; or

F. Because such person resides outside Sussex County and is unavoidably absent on the day of election.

§ 110-121 Affidavit required.

2416 **A.** Any voter desiring to receive an absentee ballot because he qualifies under
2417 any of the reasons set forth in § **110-1** 20B, C, D, E or F shall file an affidavit with
2418 the Sussex County Engineering Department, subscribed and sworn to by him before
2419 an officer authorized by law to administer oaths. The affidavit shall be dated not
2420 more than 90 days prior to the day of the election. It shall state the reason why he
2421 cannot appear at the designated polling place on the day of the election, his birthdate,
2422 his social security number, his expected location, including his address and
2423 telephone number (if available) to be used for the purpose of challenge on election
2424 day and, if sick or disabled, the name and address of a physician or a Christian
2425 Science practitioner who can attest to the voter's inability to go to his polling place
2426 on the day of the election. The Engineering Department shall mail or deliver the
2427 official ballot, envelope and instructions to the voter as soon as possible after
2428 receiving the affidavit.

2429
2430 **B.** Any voter desiring to receive an absentee ballot because he qualifies under
2431 any of the reasons set forth in § **110-120A** may execute an affidavit sworn to by the
2432 voter, under penalty of perjury, to be filed with the Sussex County Engineering
2433 Department. The affidavit shall be dated during the calendar year in which the
2434 election is to be held. It shall state the reason why he cannot appear at the designated
2435 polling place for the election on the day of the election, his birthdate, his social
2436 security number and his expected location, including his address and a telephone
2437 number (if available) to be used for the purpose of challenge on election day. The
2438 Sussex County Engineering Department may hold an affidavit dated more than 90
2439 days prior to an election, until 90 days prior to the election, and shall mail the official
2440 ballot, envelopes and instructions to the voter as soon as possible thereafter.

2441
2442 **§ 110-122 Distribution of ballots.** Upon receipt of a request from a voter,
2443 together with an affidavit, if required by § **110-121** of this Article, the Sussex County
2444 Engineering Department, not more than 60 days nor less than 14 days prior to a
2445 sanitary sewer and/or water district election and within three days after the ballots,
2446 envelopes and instructions for absentee voters become available, shall mail to the
2447 voter, postage prepaid, or deliver personally to the voter an official ballot enclosed
2448 in an official envelope and a copy of the instructions for absentee voters. Nothing
2449 contained in this section shall prevent the issuance of an absentee ballot to those
2450 lawfully entitled thereto prior to 12:00 noon of the day prior to any election, when
2451 the request is made less than 14 days prior to the election.

2452
2453 **§ 110-123 Form of affidavit.**

2454 A. Each affidavit submitted pursuant to § **110-121** above shall be in substantially
2455 the following form:

I do solemnly swear (affirm) that I will be absent on the day of the election because (_____) I am in the public service of the United States or a citizen of the United States temporarily residing outside the territorial limits of the United States of the District of Columbia, or with a spouse or dependents when residing with or accompanying me or because I am in the armed forces of the United States or the Merchant Marines of the United States, 6r attached to and serving with the armed forces of the United States and the American Red Cross, Society of Friends or the United Service Organization, or because of illness or injury received while serving in the armed forces of the United States; (_____) I am unavoidably absent from the county because of the nature of my business or occupation; (_____) I am sick or physically disabled; (_____) I am absent from the district while on vacation; (_____) I am following the tenets or teachings of my religion; I reside outside Sussex County and will be unavoidably absent on the day of the election. For the reason indicated, I cannot appear at the polling place in the district in which I am a qualified voter. I further swear (affirm) that I marked my ballot in secret.

I _____, do solemnly swear (affirm) that I have not received or accepted, paid or promised any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register or for the giving or withholding a vote in this election.

Write Name Here

Print Name Here

Subscribed and sworn (affirmed) before me this _____ day of _____ A.D., 19____; and I hereby certify that the Affiant did in such manner that I could not see his ballot, mark such ballot and that the Affiant was not solicited or advised by me to vote for or against the question presented.

Notary Public

B. Any voter who receives an absentee ballot because he qualifies under § 110-120A may subscribe to and swear a self-administered oath, under penalty of perjury, affirming that he was not solicited or advised to vote for or against the question presented.

§ 110-124 Form of absentee ballot. Each absentee ballot shall be in substantially the following form:

For sanitary sewer/water district

Against sanitary sewer/water district

§ 110-125 Time limit for return. The absentee voter shall return his marked ballot to the Sussex County Engineer, or his designee, before 12:00 noon of the day before the election, and any absentee ballot received by the Sussex County Engineer, or his designee, after 12:00 noon of the day before the election shall not be counted, but the Sussex County Engineer, or his designee, shall endorse on the ballot the time such was received and shall retain all such ballots for one year following the date of the election, and longer if directed to do so by proper authority.

§ 110-126 Procedure by officials. Upon receipt of the official envelope from the absentee voter, the Sussex County Engineer, or his designee, shall forthwith enclose the sealed ballot as received and unopened in a secure location and shall place his or her written signature on the official envelope, together with the date and time of receipt. The Sussex County Engineer, or his designee, on the day of the election, but after closing of the polls, shall open the sealed ballots and shall record the vote of the absentee voter.

§ 110-127 Register of absentee voters. The Sussex County Engineer, or his designee, shall cause to be provided a register of absentee voters. From the register a list of names and addresses of all applicants for absentee ballots shall be compiled and shall be made available.

§ 110-128 Violations and penalties. Whoever willfully files a false affidavit under the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$200 or imprisoned for a period of not more than 30 days, or both, and shall pay the costs of prosecution.

Article XX Septage Discharge

2486 **§ 110-129 Purpose.** Septage removed from any property located in Sussex
2487 County, Delaware, may be discharged at the facilities referred to as "South Coastal
2488 Regional Wastewater Facilities" and "Inland Bays Regional Wastewater Facilities"
2489 upon the terms and conditions set forth herein.

2490 **§ 110-130 Definitions.** As used in this Article, the following terms shall have the
2491 meanings indicated:

2492 **DISCHARGE** When used as a noun, "discharge" means a unit of septage as
2493 established by rules promulgated by the Sussex County Engineering Department.

2494 **DISCHARGE FEE** A fee assessed to a user for each discharge that he makes
2495 at a facility.

2496 **FACILITY** For purposes of this Article, the term "facility" means the South Coastal
2497 Regional Wastewater Facilities and the Inland Bays Regional Wastewater Facilities.

2498 **INDUSTRIAL WASTE** Waste that originates from a business or industry
2499 having a Standard Industrial Classification (SIC) code or an expected classification,
2500 or having a reasonable potential, in the opinion of facility management, to adversely
2501 affect the treatment plant (inhibition, pass-through of pollutants, sludge
2502 contamination or endangerment of treatment plant workers).

2503 **SEPTAGE** Liquid and solid materials pumped from a septic tank, cesspool or
2504 holding tank but not including industrial waste.

2505 **USER** Any person, partnership, corporation or an employee thereof that
2506 utilizes a facility for discharge of septage; provided, however, that the term "user"
2507 does not mean a county-owned entity or a county employee acting in his capacity as
2508 such.

2509 **§ 110-131 Licensing requirements.** No user may discharge septage at a facility
2510 until he has obtained a license from the Sussex County Engineering Department.
2511 The annual county licensing period is from July 1 through June 30. In order to obtain
2512 a license from the Sussex County Engineering Department, a person must provide
2513 the Engineering Department with the following:

2514 **A.** A State of Delaware Department of Natural Resources and Environmental
2515 Control (DNREC) permit issued to the user or a letter from DNREC which states
2516 that it will permit the user to haul septage for discharge at facility.

2517 **B.** A certificate of insurance verifying that user holds commercial general
2518 liability insurance in the minimum amount of \$500,000 combined single limit per
2519 occurrence.

2520 **C.** A certificate of insurance verifying that the user holds business auto liability
2521 insurance in the minimum amount of \$1,000,000 combined single limit per accident.

2522 **D.** A certificate of insurance verifying that the user holds worker's compensation
2523 and employer's liability insurance (if applicable) in the minimum amounts as
2524 follows: \$100,000 for each accident, \$100,000 for each employee for disease and a
2525 policy limit of \$500,000 for disease.

2526 **E.** A certificate of insurance verifying that the user holds such other insurance
2527 that may be required by state law, rule or regulation.

2528 **F.** A waste hauler's State of Delaware business license.

2529 **§ 110-132 Fees.** The county may assess each user an annual license fee and a
2530 discharge fee at the rates established by the County Engineering Department and
2531 posted at the facility.

2532 **§ 110-133 Discharge limitations.** The county may, by rules promulgated by the
2533 County Engineering Department and posted at a facility, regulate the following in
2534 connection with the discharge at a facility:

2535 **A.** The amount of septage a user may discharge per discharge and per season.

2536 **B.** The hours during which a facility will accept discharge from a user.

2537 **C.** The strength and toxicity of septage discharged by a user.

2538 **§ 110-134 Holding tank permit.** No septage obtained from a holding tank may
2539 be discharged at a facility unless a holding tank permit has been issued by the Sussex
2540 County Engineering Department for the holding tank that is the source of the septage

2541 to be discharged at the facility. A fee will be assessed for the issuance of a holding
2542 tank permit in an amount to be determined by the County Engineering Department.

2543 **§ 110-135 Proof of source.** No user may discharge septage at a facility unless,
2544 upon the request of facility management, he can produce documentation of the
2545 source of the septage to be discharged, such as:

2546 **A.** The source's holding tank permit number;

2547 **B.** The source's hookup permit number; and

2548 **C.** The name and address or tax map and parcel number of the property on which
2549 the source is located.

2550 **Article XXI Revision of District Boundaries**

2551 **§ 110-136 Application; fee.** Any person, firm or corporation applying to the
2552 County Engineer for the revision of a sanitary or water district boundary without
2553 election pursuant to 9 Del. C. § 6502 shall be required to pay such amount as may
2554 be required by the Sussex County Council to defray the administrative cost of the
2555 process of that request. This fee shall be included in the schedule of fees adopted as
2556 part of the annual Sussex County budget.

2557 **§ 110-137 Payment of fee; refund.** Such fee as shall be required by the County
2558 Council as set forth in § 110-136 above shall be paid in advance by the person, firm
2559 or corporation requesting the revision to the sanitary or water district without
2560 election. Such fee may be refunded on request, if the application is withdrawn on or
2561 before preparation of notices and advertising required by 9 Del. C. § 6502.

2562 **Article XXII Sewer Capitalization Fee**

2563 **§ 110-138 Definitions.** For the purpose of this article, the following definitions
2564 shall apply:

2565 **CONDOMINIUM UNIT** A unit as defined by the Delaware Unit Property
2566 Act, 25 Del. C. Chapter 22.

2567 **EQUIVALENT DWELLING UNIT (EDU)** Has the same meaning as that
2568 term is defined in § **110-96** and amendments thereto.

2569 **NONROAD ACCESSIBLE PARCELS** Those parcels of real property that do
2570 not fall within the definition of "road accessible parcels."

2571 **PHASE III OF THE WEST REHOBOTH EXPANSION OF THE DEWEY**
2572 **BEACH SANITARY SEWER DISTRICT** That geographic area defined as
2573 follows: Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary
2574 Sewer District shall be that geographic area annexed by the Sussex County Council
2575 on March 22, 1990, into the Dewey Beach Sanitary Sewer District that will receive
2576 sanitary sewer service by June 1, 2000, and did not have sanitary sewer service
2577 available on December 29, 1995.

2578 **ROAD ACCESSIBLE PARCELS** Parcels of real property that are served by an
2579 existing road or street or a street which was under construction prior to the date of
2580 the first advertisement which seeks bids for construction of a collection and
2581 transmission system to serve said real property within Phase III of the West
2582 Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Numbered
2583 parcels, as shown on official Sussex County Tax Maps, within an approved
2584 subdivision shall be considered separate parcels of real property.

2585 **TRANSFER** The fee simple conveyance of real property.

2586 **UNDER CONSTRUCTION** A street is under construction if all of the following
2587 items have been completed:

2588 **A.** The acquisition of all necessary permits and approvals to allow the project to
2589 proceed, including but not limited to, stormwater management, erosion and sediment
2590 control, private road construction, state entrance permit and central utility plans.

2591 **B.** The filing with the Sussex County Planning and Zoning Department of all
2592 necessary bonds to allow project development to proceed.

2593 **C.** The conveyance of a blanket easement to the county, which grants access to
2594 the right-of-way for the purpose of placing sanitary sewer lines.

2595 **D.** The corners of the affected lots shall be staked at the right-of-way line and
2596 each lot properly identified, to allow proper location of sewer laterals.

2597 **E.** The road swales shall be roughed in and shall be connected to the proposed
2598 outfall to allow stormwater to drain from the affected right-of-way.

2599 **F.** Topsoil shall be stripped from the proposed roadbed and a stable upgrade
2600 provided.

2601 **§ 110-139 Fees.**

2602 **A.** Any property owner owning a road accessible parcel of real property or a
2603 condominium unit, whether of a residential or commercial nature, within the area
2604 defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary
2605 Sewer District, is hereby assessed a sewer capitalization fee, pursuant to the
2606 following schedule, as a contribution toward collection system construction costs:

2607 **(1)** For parcels of real property assessed with one EDU or less:

Parcel Square Footage	Sewer Capitalization Fee
10,000 and above	\$500.00
5,001 to 9,999	\$375.00
5,000 and less	\$250.00

2608 **(2)** For parcels of real property containing multiple EDU's (including, but
2609 not limited to, multiple EDU commercial uses, manufactured home parks
2610 and campgrounds), the amounts as set forth in Subsection **A(1)** for the first
2611 EDU and \$250 for each additional EDU.

2612
2613 **(3)** For condominiums, \$250 per condominium unit.

2614
2615 **B.** Said sewer capitalization fee shall be due and payable at anytime prior to
2616 connection of a parcel of real property or condominium unit to the county's central
2617 sewer system or prior to one year following the date on which the county's central
2618 sewer system becomes operational with respect to the parcel of real property or
2619 condominium unit in question, whichever date comes first. Said sewer capitalization
2620 fee shall be in lieu of any sewer connection fee (excluding permit fees) which may
2621 be assessed by Sussex County in the future on those parcels of real property or

condominium units which are connected to the county's central sewer system following establishment of the system.

§ 110-140 Payment upon property transfer; exceptions. Upon the transfer of any parcel of real property or condominium unit located within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to a purchaser for value, the sewer capitalization fee referenced in § 110-139 above shall be due and payable to the Sussex County Council immediately; provided, however, that any parcel of real property or condominium unit which is the subject of a valid real estate sales contract upon the enactment of this article on July 21, 1998, and which proceeds to settlement within 120 days of enactment of this article on July 21, 1998, shall not be subject to pay the sewer capitalization fee upon property transfer; instead, said payment shall be made pursuant to §§ 110-139 and 110-141 of this article.

§ 110-141 Payment prior to issuance of building permit. Any parcel of real property not constructed upon will be required to pay the sewer capitalization fee prior to the issuance of a building permit, unless the sewer capitalization fee was paid at the time of property transfer.

§ 110-142 Additional EDU's; fee. Any owner of a parcel of real property or condominium unit within the area defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District who pays the sewer capitalization fee per EDU, as described in this article, but who later is granted additional EDU's by the Sussex County Engineering Department, shall pay an additional sewer capitalization fee for any EDU granted; provided, however, that any EDU which is not connected to the system prior to one year following the date on which the system becomes operational with respect to the parcel of real property or condominium unit in question will be assessed whatever the sewer connection fee is at that time with respect to that parcel of real property or condominium unit.

§ 110-143 Installation of wastewater collection system.

A. In lieu of the sewer capitalization fee referenced herein, the owner of any nonroad accessible parcel of real property which received final subdivision approval from Sussex County prior to July 21, 1998, within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, who wishes to develop said parcel of real property shall either:

(1) Install a wastewater collection system to serve such subdivision, pursuant to Chapter 110, Article XI, of the Sussex County Code; or

(2) For subdivisions with streets under construction, submit a written request to the County Engineer to have the subdivision's sewer lines installed as part of the regional sewer construction for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

B. The owner of any nonroad accessible parcel of real property which received final subdivision approval from Sussex County after July 21, 1998, shall be required to install a sewer collection system in accordance with the policies and procedures adopted pursuant to Chapter 110, Article XI, of the Sussex County Code, with credit for the sewer capitalization fee being granted to each lot within the subdivision, where said sewer collection system received a beneficial occupancy designation by the Sussex County Code within one year of Sussex County's wastewater system becoming operational.

§ 110-144 Acceptance of payment. Payment in full or partial payment of the sewer capitalization fee due under this article may be accepted by the county at any time prior to the time when said payment is due.

§ 110-145 Examination of collection systems; inclusion in West Rehoboth system; credit for inclusion. The County Engineer shall examine those subdivisions, manufactured home parks, campgrounds or condominium projects within the area defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District which have sewer collection systems, existing and in operation as of the date of enactment of this article, in order to determine whether said collections systems meet standards and specifications required by the County Engineer for inclusion in the West Rehoboth system. The County Engineer shall determine the extent to which said collection systems may be included in the West Rehoboth system and the construction cost savings, if any, to be realized from said inclusion. The County Engineer shall determine a method for providing a credit against the sewer capitalization fee for lots located in subdivisions whose sewer collection systems are to be included in the West Rehoboth system and shall report the same to County Council.

§ 110-146 Responsibility for payment in property transfer. As between the parties to any transfer which is subject to payment of the sewer capitalization

fee, in the absence of an agreement between the parties to the contrary, the burden for paying the fee shall be on the grantee.

§ 110-147 Utility relief program. There is hereby established a utility relief program which will assist owners of parcels of real property within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District who are required to pay the sewer capitalization fee pursuant to §§ **110-139** and **110-141** of this article who meet minimum annual income levels and who occupy the parcels of real estate which they own. Owners who qualify for inclusion in the utility relief program may choose to defer payment of the sewer capitalization fee and instead agree to allow Sussex County to place a lien on their parcel of real property in the amount of the sewer capitalization fee owed. The amount secured by the lien must be paid in full upon the transfer of the parcel to a purchaser for value or by gift, unless the transferee qualifies for inclusion in the utility relief program, in which case the lien shall remain on the parcel. Income guidelines for inclusion in the utility relief program shall be determined annually by the County Administrator. Nothing herein shall affect the validity or priority of liens placed pursuant to the utility relief program in Phases I and II of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, which shall remain in full force and effect and which shall be subject to the provisions herein with respect to payment upon transfer.

§ 110-148 Exemptions. Owners of parcels of real property who are exempt from assessment pursuant to § **110-94** of the Sussex County Code shall also be exempt from payment of the sewer capitalization fee.

§ 110-149 Application of revenues. Revenues derived from the sewer capitalization fee may be applied to pay any cost associated with the establishment of and financing of the collection facilities for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, including interest on any debt incurred to finance such facilities for such period of time after the completion of such facilities as the County Council shall determine shall be necessary in connection with such financing and including the funding of a depreciation reserve fund for such facilities.

PART 7: PRIVATE COMMUNITY WASTEWATER SYSTEMS

Article XXIII Review and Approval

2733 **§ 110-150 Purpose.** In accordance with Title 26 of the Delaware Code, the
2734 State of Delaware Public Service Commission is authorized to issue certificates of
2735 public convenience and necessity for the construction and operation of private
2736 community wastewater systems within Sussex County. In addition, Sussex County
2737 plans, designs, finances and constructs its own wastewater collection, conveyance,
2738 treatment and disposal systems within its sanitary sewer districts. As part of this
2739 process, Sussex County has established primary and secondary service areas, which
2740 designate areas to be served in the future as part of a Sussex County Sanitary Sewer
2741 District. These primary and secondary service areas are utilized by Sussex County
2742 to adequately plan, design, finance and construct the collection, conveyance,
2743 treatment and disposal systems throughout the County. This Part 7 is intended to
2744 provide a method for the review and approval of private community wastewater
2745 systems within the Sussex County primary and secondary service areas.

2746
2747 **§ 110-151 Definitions.** The definitions supplied elsewhere in this chapter shall
2748 apply to this Part 7. Unless the context specifically indicates otherwise, the following
2749 terms shall have the meanings hereinafter designated:

2750
2751 **PRIMARY SERVICE AREA** The area designated by Sussex County as being a
2752 primary service area for Sussex County sanitary sewer service as adopted by Sussex
2753 County Council.

2754
2755 **PRIVATE COMMUNITY WASTEWATER SYSTEM or SYSTEM A**
2756 Facility for the conveyance, collection, processing, treatment or disposal of sanitary
2757 sewage, which is owned by a nongovernmental entity, and which services or is
2758 proposed to service more than one equivalent dwelling unit, as that term is defined
2759 elsewhere in this chapter.

2760
2761 **SECONDARY SERVICE AREA** The area designated by Sussex County as
2762 being a secondary service area for sanitary sewer service as adopted by Sussex
2763 County Council.

2764
2765 **§ 110-152 Approval required; application.**

2766 **A.** In general. A private community wastewater system shall not be constructed
2767 within a primary or secondary service area by any nongovernmental owner or entity
2768 without the prior approval of Sussex County, as hereinafter provided.

B. Applicants seeking to obtain the approval of Sussex County to construct a private community wastewater system within a primary or secondary service area must complete and file with the County Engineer an application in the form prescribed by the County and accompanied by a fee to be determined by the County Council. In support of the application, the user shall submit the following information:

(1) The address and location of the proposed private community wastewater system, including the Sussex County Tax Map and Parcel Number where the system will be located.

(2) The name, address and location of the owner and operator of the proposed private community wastewater system.

(3) A list of the property or properties to be served by the proposed private community wastewater system, including the development within which the system may be located and any other properties or developments that may be served by it.

(4) The number of equivalent dwelling units to be served by the system.

(5) A certification from the system design engineer indicating that the system as designed and constructed will adequately process sanitary sewage and waste as required by all applicable laws and regulations of the federal, state and County government.

(6) An executed agreement between the applicant and the property owner, and the operator (if different from the applicant) containing the provisions for:

(a) The operation and maintenance of the system;

(b) Compliance with all applicable laws, ordinances, regulations, standards and agreements regulating the proposed system; and

(c) No liability to Sussex County with respect to, or arising out of, the operation, maintenance, repair and/or replacement of the system.

(7) The submission of plans and specifications for the wastewater collection, transmission and disposal system as required by Chapter 99 of this Code, if needed by the County Engineer for the proper assessment of the application.

§ 110-153 Review of application.

A. After obtaining all required information, and no later than 45 days after a complete application has been filed with the County Engineer, the County Engineer shall approve the private community wastewater system in writing only if it is determined that each of the following criteria have been favorably addressed, in addition to the information supplied with the application:

(1) Sussex County will not reasonably be able to provide sewer service to the property within five years from the date the application is filed; and

(2) Sussex County has not performed a planning study that the applicant can use to implement the extension of a transmission pipeline system to connect the development to existing County infrastructure; and

(3) The system will not adversely affect Sussex County's ability to provide future sewer service to other properties in the area, including, but not limited to, other existing developments, individual properties or structures; and

(4) The system, if serving more than one property, will not interfere with the County's ability to construct future pipelines and/or mains within private or public rights-of-way or other areas as may be necessary; and

(5) If mutually agreed, the system will be constructed in such a manner that it may be connected to a County sanitary sewer system in accordance with this chapter when the County sanitary sewer system becomes available; and

(6) The construction of the system does not adversely affect existing, designed or funded County sewer infrastructure, including, but not limited to, pipelines and/or mains sized to accommodate the property that is the subject of the application, pump stations sized to accommodate the property that is the subject of the application, treatment and disposal methods (including land application, ocean outfall or other methods) that have been or will be acquired to accommodate the treated wastewater, etc.; and

(7) The proposed treatment and disposal area will not adversely affect neighboring and adjacent properties or water supplies.

B. The County Engineer's decision shall address each of the foregoing criteria, and shall be mailed to the applicant by certified mail.

§ 110-154 Appeal of decision.

A. In the event an applicant is denied an approval as set forth in § 110-153, the applicant may take an appeal to County Council by filing a notice of appeal with County Council and stating the grounds therefor within 30 days after the County Engineer's decision has been mailed to the applicant by certified mail. County Council shall fix a date and time for a public hearing on the appeal, and give notice thereof by certified mail to the owner of the property that is the subject of the application, the applicant (if different from the owner), and the operator of the system, and by posting said notice conspicuously at the place to be served by the system. Such notice shall be given not less than 10 days before the date of the public hearing. The County Engineer shall transmit to the County Council all papers and documents which constitute the record of the decision appealed. County Council shall conduct a hearing and consider all evidence presented from any party, including the party taking the appeal, the County Engineer or his representative, the public or any other interested party, and may thereafter reverse or affirm the decision appealed.

B. The information considered by County Council shall be limited to the application for the private community wastewater system and the criteria set forth in this Part 7.

§ 110-155 Prohibition within County sewer districts. No private community wastewater systems shall be permitted within an established Sussex County Sewer District existing as of the date of adoption of this Part 7.

§ 110-156 Effect on existing certificates of public convenience and necessity. This Part 7 shall not apply to any system for which a certificate of public convenience and necessity has previously been issued by the Public Service Commission as of the date of adoption of this Part 7.]

Section 2. The Code of Sussex County, Chapter 110, is hereby amended and restated, in its entirety, as follows:

§ 110-1. Definitions; word usage; abbreviations.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

ACT or THE ACT

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY

The Administrator of the EPA in an NPDES state without an approved state pretreatment program.

APPROVED

Accepted or acceptable under an applicable specification cited in this Code or accepted as suitable for the proposed use under procedures and powers of the County Engineer.

AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER

- 1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- 2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.
- 3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BACKFLOW

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources.

2907 **BACKFLOW PREVENTER**

2908 A device or means to prevent backflow.

2909 **BIOCHEMICAL OXYGEN DEMAND (BOD)**

2910 The quantity of oxygen utilized in the biochemical oxidation of organic
2911 matter under standard laboratory procedure, five days at 20° C.,
2912 expressed in terms of weight and concentration (Milligrams per liter
2913 (mg/l)).

2914 **BUILDING**

2915 A structure built, erected and framed of component structural parts
2916 designed for the housing, shelter, enclosure or support of persons, animals
2917 or property of any kind.

2918 **BUILDING DRAIN**

2919 That part of the lowest piping of a drainage system which receives the
2920 discharge from soil, waste and other drainage pipes inside the walls of the
2921 building and conveys it to a point directly outside of the building and to
2922 the building sewer.

2923 **BUILDING SEWER**

2924 That part of the drainage system which extends from the end of the building
2925 drain and conveys its discharge to a public sewer, private sewer,
2926 individual sewage disposal system or other point of disposal.

2927 **CATEGORICAL STANDARDS**

2928 National Categorical Pretreatment Standards or pretreatment standards.

2929 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
2930 **(CPCN)**

2931 Certificate of Public Convenience and Necessity is an approval granted to
2932 a private utility for a certain tax parcel by the Delaware Public Service
2933 Commission under a process defined in Title 26 of the Delaware Code.

2934 **CESSPOOL**

2935 A covered excavation in the ground which receives the discharge of
2936 domestic sewage or other organic wastes from a drainage system, so
2937 designed as to retain the organic matter and solids but permitting the
2938 liquids to seep through the bottom and sides.

2939 **CODE**

2940 When used alone, the Sussex County Code, subsequent amendments or any
2941 emergency rule or regulation which Sussex County Council may lawfully
2942 adopt.

2943 **CONTROL AUTHORITY**

2944 The approval authority, defined hereinabove, or, if the County has adopted
2945 an approved pretreatment program under the provisions of 40 CFR
2946 403.11, the official designated therein.

2947 **COOLING WATER**

2948 The water discharged from any use, such as air conditioning, cooling or
2949 refrigeration, or to which the only pollutant added is heat.

2950 **CROSS-CONNECTION**

2951 Any connection or arrangement between two otherwise separate piping
2952 systems, one of which contains potable water and the other water of
2953 unknown or questionable safety, whereby water may flow from one system
2954 to the other.

2955 **CUSTOMER**

2956 Any person, firm, corporation or organization supplied with water or
2957 provided with sewer service by Sussex County.

2958 **DELAWARE DEPARTMENT OF NATURAL RESOURCES AND**
2959 **ENVIRONMENTAL CONTROL (DNREC)**

2960 The agency responsible for monitoring all discharges to the surface and
2961 ground waters of the State of Delaware.

2962 **DIRECT DISCHARGE**

2963 The discharge of treated or untreated wastewater directly to the waters of
2964 the State of Delaware.

2965 **DRAINAGE SYSTEM**

2966 Includes all the piping within public or private system conveying sewage
2967 or other liquid wastes by means of gravity.

2968 **DWELLING**

2969 A structure having walls and a roof designed and used for the housing,
2970 shelter, enclosure or support of persons, animals or property.

2971 **EASEMENT**

2972 A right acquired by public authority to use or control property for a
2973 designated use. An "easement" restricts but does not abridge the rights of
2974 the fee owner to the use and enjoyment of his land.

2975 **ENGINEER**

2976 The duly appointed County Engineer designated by the County pursuant
2977 to Title 9 of the Delaware Code, who is the person overseeing all aspects
2978 of the Sussex County Engineering Department charged with certain duties
2979 and responsibilities under this Chapter of the Code or the authorized
2980 designee.

2981 **ENVIRONMENTAL PROTECTION AGENCY or EPA**

2982 The United States Environmental Protection Agency, or, where
2983 appropriate, the term may also be used as a designation for the
2984 Administrator or other duly authorized official.

2985 **EQUIVALENT DWELLING UNIT (EDU)**

2986 An arbitrary term used to express the load-producing effects on the water
2987 system and/or sewer system caused by one average sized residential
2988 dwelling.

2989 **FACILITY**

2990 For purposes of this Chapter, the term "Facility" means any of the County
2991 owned and operated Regional Wastewater Facilities. This definition
2992 includes any sewers that convey wastewater to a Facility. For the purposes
2993 of this Chapter, "Facility" shall also include any sewers that convey
2994 wastewaters to a Facility from persons outside Sussex County who are, by
2995 contract or agreement with the County, users of the County's "Facility"

2996 **FALL**

2997 The slope of a line of pipe in reference to a horizontal plane. In drainage
2998 systems it is usually expressed as the "fall" in a fraction of an inch per foot
2999 length of pipe.

3000 **FIXTURE UNIT (FU)**

3001 A quantity in terms of which the load-producing effects on the water system
3002 and/or sewer system of fixtures are expressed on a representative chosen
3003 scale.

3004 **FRONT FOOTAGE**

3005 Assessable parcel footage measurement as determined in this Chapter and
3006 by the Official Sussex County Property Map.

3008 **GRAB SAMPLE**

3009 A sample which is taken from a waste stream on a one-time basis with no
3010 regard to the flow in the waste stream and without consideration of time.

3011 **HOLDING TANK WASTE**

3012 Any waste from holding tanks, such as vessels, chemical toilets, campers,
3013 manufactured homes, septic tanks and vacuum-pump tank trucks.

3015 **INDIRECT DISCHARGE**

3016 The discharge or the introduction of nondomestic pollutants from any
3017 source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317)
3018 into a County Facility including holding-tank waste discharged into the
3019 system.

3020 **INDUSTRIAL USER**

3021 A source of indirect discharge which does not constitute a discharge of
3022 pollutants under regulations issued pursuant to Section 402 of the Act (33
3023 U.S.C. § 1342).

3024 **INDUSTRIAL WASTE**

3025 Waste that originates from a business or industry having a Standard
3026 Industrial Classification (SIC) code or an expected classification, or
3027 having a reasonable potential, in the opinion of the Engineer, to adversely
3028 affect the Facility (inhibition, pass-through of pollutants, sludge
3029 contamination or endangerment of staff).

3030 **INTERCEPTOR or SEPARATOR**

3031 A device designed and installed to separate and retain deleterious,
3032 hazardous or undesirable matter from normal waste streams while
3033 permitting the normal waste stream to discharge into the drainage system.

3034 **INTERFERENCE**

3035 The inhibition or disruption of the Facility treatment processes or
3036 operations which contributes to a violation of any requirement of the
3037 NPDES permit. The term includes prevention of sewage sludge use or
3038 disposal in accordance with Section 405 of the Act (33 U.S.C. § 1345) or
3039 any criteria, guidelines or regulations developed pursuant to the Solid
3040 Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances
3041 Control Act or more stringent state criteria, including those contained in
3042 any state sludge management plan prepared pursuant to Title IV of
3043 SWDA), applicable to the method of disposal or use employed by the
3044 Facility.

3045 **MULTIPLE LIVING UNIT**

3046 A condominium unit, townhouse unit, apartment unit, hotel or motel room,
3047 manufactured home site, campground site, travel trailer site and all other
3048 types of living units located on a single parcel.

3050 **NATIONAL CATEGORICAL PRETREATMENT STANDARD**

3051 Any regulation containing pollutant discharge limits promulgated by the
3052 EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §
3053 1347) which applies to a specific category of industrial users.

3054 **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM**
3055 **OR NPDES PERMIT**

3056 A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

3057 **NATIONAL PROHIBITIVE DISCHARGE STANDARD or**
3058 **PROHIBITIVE DISCHARGE STANDARD**

3059 Any regulation developed under the authority of Section 307(b) of the Act
3060 and 40 CFR 403-5.

3061 **NATURAL OUTLET**

3062 Any outlet into a watercourse, pond, ditch, lake or other body of surface
3063 or ground water.

3064 **NEW SOURCE**

3065 Any source, the construction of which is commenced after the publication
3066 of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317)
3067 Categorical Pretreatment Standard which will be applicable to such
3068 source, if such standard is thereafter promulgated within 120 days of
3069 proposal in the Federal Register. Where the standard is promulgated later
3070 than 120 days after proposal, a "new source" means any source, the
3071 construction of which is commenced after the date of promulgation of the
3072 standard.

3073 **PARCEL**

3074 An area of land measured, surveyed and plotted and set apart for separate
3075 use, ownership and occupancy possibly encompassing two previously
3076 recorded individual lots.

3077 **PERSON**

3078 Any individual, partnership, co-partnership, firm, company, corporation,
3079 association, joint-stock company, trust, estate, governmental entity or any
3080 other legal entity or their legal representatives, agents or assigns. The

3081 masculine gender shall include the feminine, and the singular shall include
3082 the plural where indicated by the context.

3083 **pH**

3084 The logarithm (base 10) of the reciprocal of the concentration of hydrogen
3085 ions expressed in grams per liter of solution.

3086 **POLLUTANT**

3087 Any dredged spoil, solid waste, incinerator residue, garbage, sludge,
3088 munitions, chemical wastes, biological materials, radioactive materials,
3089 heat, wrecked or discharged equipment, rock, sand, dirt and industrial,
3090 municipal and agricultural waste discharged into water.

3091 **POLLUTION**

3092 The man-made or man-induced alteration of the chemical, physical,
3093 biological and radiological integrity of water.

3094 **POTABLE WATER**

3095 Water which is satisfactory for drinking, culinary and domestic purposes
3096 and meets the requirements of the primary and secondary standards of the
3097 Safe Drinking Water Act.

3098 **PRETREATMENT REQUIREMENTS**

3099 Any substantive or procedural requirement related to pretreatment, other
3100 than a National Any substantive or procedural requirement related to
3101 pretreatment, other than a National Pretreatment Standard imposed on an
3102 industrial user.

3103 **PRETREATMENT STANDARD**

3104 See definition of "National Categorical Pretreatment Standard" above.

3105 **PRETREATMENT or TREATMENT**

3106 The reduction of the amount of pollutants, the elimination of pollutants or
3107 the alteration of the nature of pollutant properties in wastewater to a less
3108 harmful state prior to or in lieu of discharging or otherwise introducing

3109 such pollutants into a Facility. The reduction or alteration can be obtained
3110 by physical, chemical or biological processes or process changes by other
3111 means, except as prohibited by 40 CFR 403.6(d).

3112 **PUBLICLY OWNED TREATMENT WORKS (POTW)**

3113 A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292),
3114 which is owned in this instance by Sussex County used in this Chapter
3115 interchangeably with “Facility”.

3116 **RIGHT-OF-WAY**

3117 A legal right of passage over another person's ground acquired by public
3118 authority.

3119 **SANITARY SEWER**

3120 A sewer which carries sewage and to which storm- surface and ground
3121 waters are not intentionally admitted.

3122 **SCATTERED PARCEL**

3123 Any single parcel of land abutted on at least two sides by developed
3124 property.

3125 **SEPTAGE**

3127 Liquid and solid materials pumped from a septic tank, cesspool or holding
3128 tank excluding industrial waste.

3129 **SEPTAGE DISCHARGE FEE**

3130 A fee assessed to a user for each discharge made at the Facility.

3131 **SEPTIC TANK**

3132 A watertight receptacle which receives the discharge of a drainage system
3133 and is designed and constructed to separate solids from the liquid, digest
3134 organic matter through a period of detention and allow the liquids to
3135 discharge into the soil outside of the tank through a system of open joint
3136 or perforated piping or disposal pit.

3137 **SEWAGE (used interchangeably with WASTEWATER)**

3138 **SEWER SYSTEM**

3139 All improvements utilized for collecting, transmitting, treating, process
3140 monitoring and disposing of sewage.

3141 **SEWER SYSTEM CONCEPT EVALUATION (SSCE)**

3142 A Sussex County Engineering Department fee-based service study
3143 identifying system connection point(s), service to off-site parcels, district
3144 status and necessity of any Use of Existing Infrastructure Agreement.

3145 **SIGNIFICANT INDUSTRIAL USER**

3146 Any industrial user of the County's wastewater disposal system who has a
3147 discharge flow of 10,000 gallons or more per average workday or has a
3148 flow greater than 5% of the flow in the County's wastewater treatment
3149 system or has, in his wastes, toxic pollutants as defined pursuant to Section
3150 307 of the Act or is found by the County, Delaware DNREC or the United
3151 States Environmental Protection Agency to have significant impact, either
3152 singly or in combination with other contributing industries, on the
3153 wastewater treatment system, the quality of sludge, the system's effluent
3154 quality or air emissions generated by the system.

3155 **STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

3156 A classification pursuant to the Standard Industrial Classification Manual
3157 issued by the Executive Office of the President, Office of Management and
3158 Budget, 1972.

3159 **STORMWATER**

3160 Any flow occurring during or following any form of natural precipitation
3161 and runoff resulting therefrom.

3162 **STREET**

3163 A public or private thoroughfare which affords the principal means of
3164 access to abutting property.

3165
3166 **SUSPENDED SOLIDS**

3167 The total suspended matter that floats on the surface of or is suspended in
3168 water, wastewater or other liquids and which is removable by laboratory
3169 filtering.

3170 **TECHNICAL BULLETIN FOR BUILDING SEWER AND WATER**
3171 **SERVICE**

3172 A non-regulatory document outlining standards and details for the
3173 installation of private building sewers and water service lines.
3174 Modifications to this document based on the latest technology shall be
3175 posted on the Sussex County website thirty days prior to taking effect.

3176 **TOXIC POLLUTANT**

3177 Any pollutant or combination of pollutants listed as toxic in regulations
3178 promulgated by the Administrator of the Environmental Protection Agency
3179 under the provision of CWA 307(a) or other acts.

3180 **TRAP**

3181 A fitting or device so designed and constructed as to provide, when
3182 properly vented, a liquid seal which will prevent the back passage of air
3183 without materially affecting the flow of sewage through it.

3184 **UNIFIED SANITARY SEWER DISTRICT**

3185 The Unified Sanitary Sewer District of Sussex County with boundaries as
3186 established and/or subsequently amended by Sussex County Council.

3187 **USER**

3188 Any person, partnership, corporation or an employee thereof that utilizes
3189 a Facility for discharge of septage.

3190 **VACUUM BREAKER**

3191 A device which prevents back-siphon of water by admitting atmospheric
3192 pressure through ports to the discharge side of device.

3193 **VENT SYSTEM (VENTED)**

3194 A system of pipe or pipes installed to provide a flow of air to or from a
3195 drainage system or to provide a circulation of air within such system to
3196 protect trap seals from siphonage and back pressure.

3197 **WASTEWATER (used interchangeably with SEWAGE)**

3198 The liquid and water-carried industrial or domestic wastes from dwellings,
3199 commercial buildings, industrial facilities and institutions, whether
3200 treated or untreated, which are contributed into or permitted to enter the
3201 Facility.

3202 **WATER MAIN**

3203 A water supply pipe for public use.

3204 **WATER SERVICE PIPE**

3205 The pipe from the connection point of the public water system to the
3206 structure.

3207 **WATER SYSTEM**

3208 All facilities for supplying, treating, storing, transmitting, distributing and
3209 measuring water.

3210 **WATERS OF THE STATE**

3211 All streams, lakes, ponds, marshes, watercourses, waterways, wells,
3212 springs, reservoirs, aquifers, drainage systems and all other bodies or
3213 accumulations of water, surface or underground, natural or artificial,
3214 public or private, which are contained within, flow through or border upon
3215 the State or any portion thereof.

3216 B. Word usage. "Shall" is mandatory; "may" is permissive.

3217 C. Abbreviations. The following abbreviations shall have the designated
3218 meanings:

3219 BOD — Biochemical Oxygen Demand.

3220 CFR — Code of Federal Regulations.

3221 COD — Chemical Oxygen Demand.

3222 CPCN – Certificate of Public Convenience and Necessity.
3223 DNREC – Delaware Department of Natural Resources and Environmental
3224 Control.
3225 EDU – Equivalent Dwelling Unit.
3226 FU – Fixture Unit.
3227 mg/l — Milligrams per liter.
3228 NPDES — National Pollutant Discharge Elimination System.
3229 SIC — Standard Industrial Classification.
3230 SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901 et. seq.
3231 TSS — Total Suspended Solids.
3232 USC — United States Code.

3233

3234 **Article I. Use of Public Sewers Required**

3235 **§ 110-2. Deposit of certain wastes.**

3236 It shall be unlawful for any person to place, deposit or permit to be deposited in any
3237 unsanitary manner on public or private property anywhere within the Unified
3238 Sanitary Sewer District any wastewater, solid waste or any other objectionable
3239 waste matter.

3240 **§ 110-3. Discharges to natural outlets.**

3241 It shall be unlawful to discharge to any natural outlet anywhere within Sussex
3242 County any sewage or other polluted waters.

3243 **§ 110-4. Use of privies, privy vaults, septic tanks and cesspools.**

3244 Where public sewers are legally and technically available within the Unified Sussex
3245 County Sanitary Sewer District, it shall be unlawful to construct or maintain any
3246 privy, septic system, cesspool or other methods intended or used for the on-site
3247 disposal of sewage.

3248 **§ 110-5. Connection to public sewer required.**

3249 A. The owners of all houses, buildings or properties used for human occupancy,
3250 employment, recreation or other purposes situated within the Unified Sussex

County Sanitary Sewer District and abutting on any street, alley or right-of-way in which public sewer is legally and technically available, are hereby required, at their expense, to connect in accordance with the provisions of this Chapter within 120 days or as specified in the official notice to connect.

B. Any connection must be made in accordance with the Technical Bulletin for Building Sewer and Water Service and Article VII of this Chapter.

C. When any houses, buildings or properties are connected to the public sewer system on-site disposal facilities shall be abandoned in accordance with all applicable State of Delaware, DNREC Regulations.

Article II. Building Sewers and Connections

§ 110-6. Permit required.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the County.

B. No structure, including manufactured homes, shall be connected or disconnected from the public sewer system without first obtaining the required permit from the County. Manufactured Home Parks shall be exempt from this requirement provided the home is being replaced within 30 days and neither the foundation nor the tie-down system are modified.

§ 110-7. Classes of building sewer permit applications.

A. All permit applications shall be made in person by a plumber, duly licensed, who will connect or disconnect or supervise the work associated with the building sewer. The permit application shall be supplemented by plans and specifications, if required.

B. All permit applications shall be signed by the licensed plumber and the owner or the owner's representative of the building(s) to be connected except for industrial permits which shall be signed by the owner of the entity or his authorized agent in accordance with Article V of this Chapter.

C. The County utilizes the following four classes of building sewer permits:

- 3283 1.) Permits for residential and commercial service
- 3284 2.) Disconnect permits
- 3285 3.) Service permits for entities producing industrial wastes
- 3286 4.) Partial Hook-up permits for residential and commercial applications
3287 supplemented by plans and specifications approved by the Utility
3288 Engineering Division showing length and type of material to be installed.

3289 **§ 110-8. Expenses and indemnification.**

3290 All costs and expenses incident to the installation and connection of the building
3291 sewer shall be borne by the owner. The owner shall indemnify the County from any
3292 loss or damage that may directly or indirectly result from the installation of the
3293 building sewer.

3294 **§ 110-9. Separate building sewers required.**

3295 A. A separate and independent building sewer shall be provided for every newly
3296 constructed dwelling, building or property used for human occupancy,
3297 employment, recreation or other purpose. The Engineer may allow more than
3298 one existing structure to be connected to a single building sewer in the best
3299 interest of the County.

3300 B. A building sewer serving newly constructed buildings shall not service more
3301 than one of the following:

3302 1) Residential dwelling, either detached or one side of a double house or
3303 house in a row of houses, provided that a garage, a guest house and similar
3304 features incidental to the family life shall be considered as a portion of the
3305 dwelling.

3306 2) Industrial, commercial or manufacturing establishment.

3307 3) Commercial buildings separated by a partition wall or walls and
3308 comprising of stores, offices or any combination thereof.

3309 4) Detached building comprising apartments, stores, offices or any
3310 combination thereof.

3311 5) Establishment consisting of individual dwelling units under the
3312 management of a single commercial or cooperative entity.

3313 **§ 110-10. Use of old building sewers.**

3314 Old building sewers may be used in connection with new buildings only when they
3315 are found, on examination and test in the presence of the Engineer, to meet all
3316 requirements of this Chapter.

3317 **§ 110-11. Materials and methods.**

3318 The connection of the building sewer into the public sewer and the size, slope,
3319 alignment and materials of construction of the building sewer and the methods to be
3320 used in excavating, placing of the pipe, jointing, testing and backfilling the trench
3321 shall all conform to the requirements of the Technical Bulletin for Building Sewer
3322 and Water Service.

3323 **§ 110-12. Connection of building sewer to public sewer.**

3324 The applicant for the building sewer permit shall notify the County when the building
3325 sewer is ready for an open-trench visual inspection and connection to the public
3326 sewer. The work shall be inspected and approved by the Engineer prior to being
3327 placed in service.

3328 **Article III. Public Sewer Discharge Standards**

3329
3330 **§ 110-13. General discharge prohibitions.**

3331 Users shall not contribute or cause to be contributed, directly or indirectly, any
3332 pollutant or wastewater which will interfere with the operation or performance of
3333 the Facility. These general prohibitions apply to all such users of a Facility, whether
3334 or not the user is subject to National Categorical Pretreatment Standards or any
3335 other national, state or local pretreatment standards or requirements.

3336 Users shall not contribute the following substances to any Facility.

3337 A. Any wastewater which causes a hazard to human life or creates a public
3338 nuisance.

3339
3340 B. Any liquids, solids or gases which, by reason of their nature or quantity, are
3341 or may be sufficient, either alone or by interaction with other substances, to

3342 cause fire or explosion or be injurious in any other way to the Facility or to
3343 the operation of the Facility

3344 C. Any prohibited materials including but not limited to gasoline, kerosene,
3345 naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes,
3346 peroxides, chlorates, perchlorates, bromates carbides, hydrides and sulfides
3347 and any other substances which are a fire hazard or a general hazard to the
3348 system.

3349 D. Solid or viscous substances, which may cause obstruction to the flow in a
3350 sewer or other interference with the operation of the wastewater treatment
3351 facilities, such as but not limited to fats, oil and grease.

3352 E. Any wastewater having a pH less than 5.5 or greater than 9.5 or wastewater
3353 having any other corrosive property capable of causing damage or hazard to
3354 structures, equipment and/or personnel of the Facility.

3355 F. Any wastewater containing toxic pollutants in sufficient quantity, either singly
3356 or by interaction with other pollutants, to injure or interfere with any
3357 wastewater treatment process, constitute a hazard to humans or animals,
3358 create a toxic effect in the receiving waters of the Facility or exceed the
3359 limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant
3360 shall include but not be limited to any pollutant identified pursuant to Section
3361 307(a) of the Act.

3362 G. Any noxious or malodorous liquids, gases or solids which, either singly or by
3363 interaction with other wastes, are sufficient to create a public nuisance or
3364 hazard to life or are sufficient to prevent entry into the sewers for maintenance
3365 and repair.

3366 H. Any substance which may cause the Facility's effluent or any other product of
3367 the Facility, such as grit, sludges or scums, to be unsuitable for reclamation
3368 and reuse or to interfere with the solids reclamation process. In no case shall
3369 a substance discharged to the Facility, cause the Facility to be in
3370 noncompliance with biosolids use or disposal criteria, guidelines or
3371 regulations developed under Section 405 of the Act; or any criteria, guidelines
3372 or regulations affecting biosolids use or disposal developed pursuant to the
3373 Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control
3374 Act or state criteria.

- 3375 I. Any substance which will cause the Facility to violate its NPDES and/ or state
3376 disposal system permit or the receiving water quality standards.
- 3377 J. Materials which exert or cause:
- 3378 1) Unusual concentrations of dissolved solids (such as, but not limited to,
3379 sodium chloride and sodium sulfate.)
- 3380 2) Excessive discoloration (such as, but not limited to, dye wastes and
3381 vegetable tanning solutions).
- 3382 3) A biochemical oxygen demand (BOD) greater than 280 mg/l or
3383 chemical oxygen demand (COD) greater than 300 mg/l as determined
3384 from analysis of a twenty-four-hour composite sample.
- 3385 4) A total suspended solid load greater than 200 mg/l as determined from
3386 analysis of a twenty-four-hour composite sample.
- 3387 5) A fats, oil and grease load greater than 100 mg/l as determined from
3388 analysis of the average of two grab samples.
- 3389 6) An average chlorine demand greater than 15 parts per million.
- 3390 K. Any wastewater or vapor having a temperature which will inhibit biological
3391 activity in the Facility resulting in interference, but in no case wastewater
3392 with a temperature at the introduction into the Facility pipelines which
3393 exceeds 150° F. or a flow weighted average temperature over an eight-hour
3394 period greater than 100° F.
- 3395 L. Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released
3396 at a flow rate and/or pollutant concentration which a user knows or has
3397 reason to know will cause interference to the Facility. In no case shall a slug
3398 load have a flow rate or contain concentrations or qualities of pollutants that
3399 exceed, for any time period longer than 15 minutes, more than five times the
3400 average twenty-four-hour concentration, quantities or flow during normal
3401 operation.
- 3402 M. Any wastewater containing any radioactive wastes or isotopes of such half-
3403 life or concentration as may exceed limits established by the Engineer in
3404 compliance with applicable state or federal regulations.

N. Any organic solid waste either whole or shredded unless a screening device of not less than 14 mesh is installed downstream of the shredding equipment prior to discharge.

O. Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not, unless covered under the National Categorical Pretreatment Standard.

P. Waters or wastes containing substances which are not amenable to treatment or reduction by treatment processes employed or are amenable to treatment only to such degree that the Facility's effluent cannot meet the DNREC permit requirements or other agencies having jurisdiction over discharge to the receiving waters.

§ 110-14. Specific discharge prohibitions.

Any waters or wastes containing metals and similar objectionable or toxic substances exerting an excessive treatment requirement, to such degree that any such material received in the respective composite sewage at the Facility exceeds the limits established by the Engineer for such materials, or which creates a hazard in the receiving water of said Facility.

The following substances are not permitted in concentrations above those listed. Upon written determination by the Engineer, restrictions may also be placed on other specific substances, or the present concentration limits revised, when it is shown that the presence of these substances or concentrations at any Facility is sufficient to adversely affect any portion of the treatment processes.

<u>Substance</u>	<u>Maximum Allowable Concentration</u> <u>(mg/l)</u>
<u>Arsenic as As</u>	<u>0.5</u>
<u>Cadmium as Cd</u>	<u>0.4</u>
<u>Chromium (hexavalent) as Cr</u>	<u>0.2</u>
<u>Cyanide as Cn</u>	<u>0.5</u>
<u>Lead as Pb</u>	<u>0.5</u>
<u>Copper as Cu</u>	<u>1.0</u>
<u>Mercury as Hg</u>	<u>0.5</u>

3436	<u>Nickel as Ni</u>	<u>2.0</u>	
3437	<u>Zinc as Zn</u>	<u>5.0</u>	
3438	<u>Total Toxic Organics (TTO) <EPA</u>	<u>recommended</u>	<u>individual</u>
3439	<u>constituent limit</u>		
3440			
3441	<u>Total Trihalomethanes (TTHMs)</u>	<u>0.08</u>	

3442 **§ 110-15. Pretreatment.**

3443 A. If any waters or wastes are discharged or are proposed to be discharged
3444 to the public sewers, which waters contain the substances or possess the
3445 characteristics enumerated in this Article and which, in the judgment of
3446 the Engineer or as required by the National Pollutant Discharge
3447 Elimination System (NPDES), SWDA, DNREC, National Categorical
3448 Pretreatment Standard and/or approval authority, may have a deleterious
3449 effect upon the sewage works, processes, equipment or receiving waters or
3450 which otherwise create a hazard to life or constitute a public nuisance, the
3451 Engineer shall:

3452 1) Require that the waste discharge be stopped or reject the
3453 application to discharge proposed waste;

3454 2) Require pretreatment in compliance with National Categorical
3455 Pretreatment Standards before discharge to the public sewers;

3456 3) Require control over the quantities and rates of discharge; and/or

3457 4) Require payment to cover the added cost of handling and treating
3458 the wastes not covered by existing taxes or Sewer Charge
3459 Ordinances.

3460 B. If the Engineer permits the pretreatment or equalization of waste flows,
3461 the design and installation of the plants and equipment shall be subject to
3462 the review and approval of the Engineer and subject to the requirements
3463 of all applicable codes, ordinances and laws.

3464 **§ 110-16. Interceptors.**

3465 Grease, oil and sand interceptors or traps shall be provided when, in the opinion of
3466 the Engineer, they are necessary for the proper handling of liquid wastes containing

fats, oil and grease in excess of the stated limits in this Chapter or any flammable wastes, grit or other harmful ingredients, except that such interceptors shall not be required for residential dwelling or apartment units. Interceptors shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and visual inspection.

§ 110-17. Maintenance of pretreatment structures and equipment.

Where pre-treatment or flow-equalizing structures and/or equipment are required by permit, they shall be maintained continuously in satisfactory and effective operation by the owner, at the owner's expense and accessible for unannounced inspection by the Engineer.

§ 110-18. Effect of Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

§ 110-19. Modification of Federal Categorical Pretreatment Standards.

Where the County's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards- the County may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act (as may be amended). The County may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 110-20. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Chapter.

§ 110-21. Dilution of discharge.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the County or state.

§ 110-22. Accidental discharge protection and procedures.

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Equipment and/or processes preventing accidental discharge of prohibited materials shall be installed and maintained at the owner or user's expense. Detailed plans showing equipment and operating procedures shall be submitted by user to the County for review on a date to be determined by the County. No user who commences contribution to a Facility shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the County. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's equipment and/or processes as necessary to meet the requirements of this Chapter.

B. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the County of the incident. The notification shall include the location of the discharge, the type of waste, concentration and volume and corrective actions.

1) Written notice. Within five days following an accidental discharge, the user shall submit to the Engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the Facility, environmental or any other damage to person or property; nor shall such notification relieve

3532 the user of any fines, civil penalties or other liability which may be
3533 imposed by this Chapter or other applicable law.

3534 2) Notice to employees. A notice shall be permanently posted on the user's
3535 bulletin board or other prominent place advising employees whom to
3536 call in the event of an accidental discharge. Employers shall ensure
3537 that all employees who may cause or suffer such a discharge to occur
3538 are advised of the emergency notification procedure.

3539 **Article IV. Industrial Wastewater Pretreatment Program Fees**

3540 **§ 110-23. Purpose.**

3541 The purpose of this Article is to provide for the recovery of costs from users of the
3542 County's sewer system for the implementation and administration of the industrial
3543 wastewater pretreatment program.

3544 The applicable charges or fees shall be included in the schedule of fees adopted as
3545 part of the Annual Sussex County Budget.

3546 In addition to the schedule of fees adopted as part of the Annual Sussex County
3547 Budget, the County is authorized to recover imposed pretreatment charges or fees
3548 of a municipality or other private regulated utility operator(s) of a wastewater
3549 treatment facility providing contractual wastewater treatment and disposal services
3550 for the County.

3551 **§ 110-24. Authorization for fees.**

3552 A. The County may adopt charges and fees which relate solely to the matters
3553 covered by the industrial wastewater pretreatment program which are
3554 separate from all other fees chargeable by the County. These fees may include
3555 but are not limited to the following:

3556 1) Fees for reimbursement of costs of setting up and operating the County's
3557 pretreatment program.

3558 2) Fees for monitoring, inspections and surveillance procedures.

3559 3) Fees for reviewing accidental discharge procedures and construction.

3560 4) Fees for permit applications.

3561 5) Payment of the engineering fees if consultant engineering design review is
3562 required.

3563 6) Fees for filing appeals.

3564 7) Fees for consistent removal (by the County) of pollutants otherwise subject
3565 to Federal Pretreatment Standards.

3566 8) Other fees as the Engineer may deem necessary to carry out the
3567 requirements contained herein.

3568 **Article V. Industrial Wastewater Discharge Program**

3569 **§ 110-25. Conformance required.**

3570 It shall be unlawful to discharge without a permit to any natural outlet within the
3571 County or in any area under the jurisdiction of said County and/or to the Facility
3572 any wastewater except as authorized by the Engineer in accordance with this
3573 Chapter.

3574 **§ 110-26. Permit required.**

3575 All significant industrial users proposing to connect to or to contribute to the
3576 Facility shall obtain an industrial wastewater discharge permit before connecting
3577 to or contributing to the Facility.

3578 **§ 110-27. Permit application.**

3579 A. Users required to obtain an industrial wastewater discharge permit shall
3580 complete and file with the County an application in the form prescribed by the
3581 County and accompanied by the approved fee established as part of the
3582 annual budget proces. New significant industrial users shall apply at least
3583 180 days prior to connecting to or contributing to the Facility.

3584 B. In support of the application, the user shall submit, in units and terms
3585 appropriate for evaluation, the following information:

3586 1) The name, address and location (if different from the address).

3587 2) The SIC number according to the Standard Industrial Classification
3588 Manual, Bureau of the Budget, 1972, as amended.

- 3589 3) The wastewater constituents and characteristics, including but not limited
3590 to those mentioned in this Chapter, as determined by a reliable analytical
3591 laboratory. Sampling and analysis shall be performed in accordance with
3592 procedures established by the EPA pursuant to Section 304(g) of the Act
3593 and contained in 40 CFR 136, as amended.
- 3594 4) The time and duration of the contribution.
- 3595 5) The average daily and thirty-minute peak wastewater flow rates, including
3596 daily, monthly and seasonal variations, if any.
- 3597 6) Site plans, floor plans, mechanical and plumbing plans and details to show
3598 all sewers, sewer connections and appurtenances by the size, location and
3599 elevation.
- 3600 7) A description of the activities, facilities and plant processes on the
3601 premises, including all materials which are or could be discharged.
- 3602 8) Where known, the nature and concentration of any pollutants in the
3603 discharge which are limited by any County, state or federal pretreatment
3604 standards and a statement regarding whether or not the pretreatment
3605 standards are being met on a consistent basis and, if not, whether
3606 additional operation and maintenance (O&M) and/or additional
3607 pretreatment is required for the user to meet applicable pretreatment
3608 standards.
- 3609 9) A pretreatment schedule meeting the following conditions:
- 3610 a. If additional pretreatment and/or O&M will be required to meet the
3611 pretreatment standards, the shortest schedule by which the user will
3612 provide such additional pretreatment. The completion date in this
3613 schedule shall not be later than the compliance date established for the
3614 applicable pretreatment standard.
- 3615 b. The schedule shall contain increments of progress in the form of dates
3616 for the commencement and completion of major events leading to the
3617 construction and operation of additional pretreatment required for the
3618 user to meet the applicable pretreatment standards (e.g., hiring an
3619 engineer, completing preliminary plans, completing final plans,
3620 executing a contract for major components, commencing construction,
3621 completing construction, etc.).

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Engineer, including, as a minimum, if it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six months elapse between such progress reports to the Engineer.

10) Each product produced by type, amount, process or processes and rate of production.

11) The type and amount of raw materials processed (average and maximum per day).

12) The number and type of employees, the hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

13) Any other information as may be deemed by the County to be necessary to evaluate the permit application.

C. The County will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the County may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

§ 110-28. Permit modifications.

Within nine months of the re-promulgation of a National Categorical Pretreatment Standard, the industrial wastewater discharge permit of any user subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for an industrial wastewater discharge permit as required by § 110- 27, the user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard. In addition, the user with an existing industrial wastewater discharge permit shall submit to the Engineer within 180 days after the re-promulgation of an applicable Federal Categorical Pretreatment Standard the information required.

§ 110-29. Permit conditions.

3655 A. Industrial wastewater discharge permits shall be expressly subject to all
3656 provisions of this Chapter and all other applicable regulations, user charges
3657 and fees established by the County.

3658 B. Permits may contain the following:

3659 1) The unit charge or schedule of user charges and fees for the wastewater to
3660 be discharged.

3661 2) Limits on the average and maximum wastewater constituents and
3662 characteristics.

3663 3) Limits on the average and maximum rate and time of discharge or
3664 requirements for flow regulations and equalization.

3665 4) Requirements for installation and maintenance of inspection and sampling
3666 facilities.

3667 5) Specifications for monitoring programs, which may include sampling
3668 locations, frequency of sampling, number, types and standards for tests
3669 and reporting schedule.

3670 6) Compliance schedules.

3671 7) Requirements for submission of technical reports or discharge reports as
3672 per § 110-32.

3673 8) Requirements for maintaining and retaining plant records relating to
3674 wastewater discharge as specified by the County and affording County
3675 access thereto.

3676 9) Requirements for notification of the County of any new introduction of
3677 wastewater constituents or of any substantial change in the volume or
3678 character of the wastewater constituents being introduced into the
3679 wastewater treatment system.

3680 10) Requirements for notification of slug discharges.

3681 11) Other conditions as deemed appropriate by the County Engineer to
3682 ensure compliance with this Chapter.

3683 **§ 110-30. Duration of permit.**

Significant industrial user permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the County during the term of the permit as limitations or requirements as identified in Article III are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 110-31. Transfer of permit.

Industrial wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the County. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

§ 110-32. Reports.

A. *Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the Facility, an industrial user subject to pretreatment standards and requirements shall submit to the Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.*

B. *Significant industrial user periodic compliance reports.*

3717 1) Any industrial user subject to a pretreatment standard, after the
3718 compliance date of such pretreatment standard or, in the case of a new
3719 source, after commencement of the discharge into the Facility, shall submit
3720 to the Engineer during the months of June and December, unless required
3721 more frequently in the pretreatment standard or by the Engineer, a report
3722 indicating the nature and concentration of pollutants in the effluent which
3723 are limited by such pretreatment standards. In addition, this report shall
3724 include a record of all daily flows which, during the reporting period,
3725 exceeded the average daily flow reported in § 110-29 of this Article. At the
3726 discretion of the Engineer and in consideration of such factors as local
3727 high or low flow rates, holidays, budget cycles, etc., the Engineer may
3728 agree to alter the months during which the above reports are to be
3729 submitted.

3730 2) The Engineer may impose mass limitations on industrial users where the
3731 imposition of mass limitations is appropriate. In such cases, the report
3732 required by Subsection B (1) shall indicate the mass of pollutants regulated
3733 by pretreatment standards in the effluent of the user. These reports shall
3734 contain the results of sampling and analysis of the discharge, including the
3735 flow and the nature and concentration or production and mass, where
3736 requested by the Engineer, of pollutants contained therein which are
3737 limited by the applicable pretreatment standards. The frequency of
3738 monitoring shall be prescribed in the applicable pretreatment standard.
3739 All analysis shall be performed in accordance with procedures established
3740 by the Administrator pursuant to Section 304(g) of the Act and contained
3741 in 40 CFR 136 and amendments thereto or with any other test procedures
3742 approved by the Administrator. Sampling shall be performed in
3743 accordance with the techniques approved by the Administrator. Where 40
3744 CFR 136 does not include a sampling or analytical technique for the
3745 pollutant in question, sampling and analysis shall be performed in
3746 accordance with the procedures set forth in the EPA publication, Sampling
3747 and Analysis Procedures for Screening of Industrial Effluents for Priority
3748 Pollutants, April 1977, and amendments thereto, or with any other
3749 sampling and analytical procedures approved by the Administrator.

3750 **§ 110-33. Monitoring structures and devices.**

3751 A. The County shall require a significant industrial user to provide and operate,
3752 at the user's own expense, monitoring structures and devices to allow

inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring structures and devices should normally be situated on the user's premises, but the County may, when such a location would be impractical or cause undue hardship on the user, allow construction in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The structures, sampling devices and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, the sampling and monitoring structures shall be provided in accordance with the County's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the County.

§ 110-34. Inspection and sampling of industrial user.

The County shall inspect the facilities of any industrial user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The County, the DNREC, the approval authority and the EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the County, the approval authority, the DNREC and the EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

§ 110-35. Pretreatment requirements.

A. Industrial users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified

3787 by the Federal Pretreatment Regulations. Any facilities required to pretreat
3788 wastewater to a level acceptable to the County shall be provided, operated
3789 and maintained at the user's expense. Detailed plans showing the
3790 pretreatment facilities and operating procedures shall be submitted to the
3791 County for review and shall be acceptable to the County before construction
3792 of the pretreatment facility. The review of such plans and operating
3793 procedures will in no way relieve the user from the responsibility of modifying
3794 the pretreatment facility as necessary to produce an effluent acceptable to the
3795 County under the provisions of this Chapter. Any subsequent changes in the
3796 pretreatment facilities or method of operation shall be reported to and be
3797 acceptable to the County prior to the user's initiation of the changes.

3798 B. The County shall annually publish in a general-circulation newspaper a list
3799 of the users which were not in compliance with any pretreatment requirements
3800 or standards at least once during the 12 previous months. The notification
3801 shall also summarize any enforcement actions taken against the user(s)
3802 during the same 12 months.

3803 C. All records relating to compliance with pretreatment standards shall be made
3804 available to officials of the EPA or the approval authority upon request.

3805 **§ 110-36. Confidential information.**

3806 A. Information and data on a user obtained from reports, questionnaires, permit
3807 applications, permits and monitoring programs and from inspections shall be
3808 made available to the public or other governmental agency without
3809 restriction, unless the user specifically requests and is able to demonstrate, to
3810 the satisfaction of the County, that the release of such information would
3811 divulge information, processes or methods of production entitled to protection
3812 as trade secrets of the user.

3813 B. When requested by the person furnishing a report, the portions of a report
3814 which might disclose trade secrets or secret processes shall not be made
3815 available for inspection by the public but shall be made available upon written
3816 request to governmental agencies for uses related to this Chapter, the
3817 National Pollutant Discharge Elimination System (NPDES) permit, the State
3818 Disposal System permit and/or the pretreatment programs; provided,
3819 however, that such portions of a report shall be available for the use of the
3820 County, state or any state agency in judicial review or enforcement
3821 proceedings involving the person furnishing the report. Wastewater

3822 constituents and characteristics will not be recognized as confidential
3823 information.

3824 C. Information accepted by the County as confidential shall not be transmitted
3825 to any governmental agency or to the general public by the County until and
3826 unless a ten-day notification is given to the user.

3827 **§ 110-37. Measurements, tests and analyses.**

3828 All measurements, tests and analyses of the characteristics of waters and wastes to
3829 which reference is made in this Chapter where federal, state or County regulations
3830 are silent as to methods of analysis shall be determined in accordance with the latest
3831 edition of "Standard Methods for the Examination of Water and Wastewater,
3832 published by the American Public Health Association" and shall be determined at
3833 the control manhole provided or upon suitable samples taken at said control
3834 manhole. In the event that no special manhole has been required, the control
3835 manhole shall be considered to be the nearest downstream manhole in the public
3836 sewer to the point at which the building sewer is connected. Sampling shall be
3837 carried out by customarily accepted methods to reflect the effect of constituents upon
3838 the sewage works and to determine the existence of hazards to life, limb and
3839 property. (The particular analyses involved will determine whether a twenty-four-
3840 hour composite of all outfalls of a premise is appropriate or whether a grab sample
3841 or samples should be taken. Normally, but not always, BOD and suspended solids
3842 analyses are obtained from twenty-four-hour composites of all outfalls, whereas
3843 pH's are determined from periodic grab samples.)

3844 **§ 110-38. Increased discharge restricted.**

3845 If any of the wastewater treatment facilities receiving permitted industrial
3846 discharges have reached eighty percent of loading as determined under the NPDES
3847 Permit, then the Engineer is authorized to prohibit increased industrial discharge,
3848 either on the basis of flow or loading of waste constituents, or both.

3849 **§ 110-39. Suspension of wastewater treatment service.**

3850 A. The County may suspend the wastewater treatment service and/or an
3851 industrial wastewater discharge permit when such suspension is necessary, in
3852 the opinion of the Engineer, in order to stop an actual or threatened discharge
3853 which presents or may present an imminent or substantial endangerment to

the health or welfare of persons or to the environment, causes interference to the Facility or causes the County to violate any condition of its NPDES permit.

B. Any person notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Facility system or endangerment to any individuals. The County shall reinstate the industrial wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the County within 15 days of the date of occurrence.

§ 110-40. Revocation of permit.

Any user who violates the following conditions of this Chapter or applicable state and federal regulations is subject to having his permit revoked:

A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.

B. Failure of the user to report significant changes in operations or in wastewater constituents and characteristics.

C. Refusal of reasonable access to the user's premises for inspection or monitoring.

D. Violation of conditions of the permit.

§ 110-41. Violation proceedings.

A. See Article IX for penalties and legal proceedings.

B. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or any wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter

shall be subject to criminal prosecution pursuant to the laws of the State of Delaware.

Article VI. Use of Public Water Service

§ 110-42. Connection required.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated in an area served by a Sussex County water district and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main of Sussex County are hereby required, at their expense to connect in accordance with the Technical Bulletin for Building Sewer and Water Service and the provisions of this Chapter, within 180 days after the date of official notice to connect.

§ 110-43. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water main or appurtenance thereof without first obtaining a permit from the Engineer.

§ 110-44. Permit application.

A. Application for a permit to install and connect a water service pipe shall be made by a plumber, licensed in the State of Delaware, who will install or supervise the installation of the water service pipe. The application will be made on forms provided by the County and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. The application shall be signed by the licensed plumber and the owner or the owner's representative of the building having the water service pipe connected thereto. If approved, the application will be signed by the Engineer or his authorized agent and will constitute a permit.

B. An application for a permit shall be made to increase the size of an existing service. The cost of increasing the size of the service shall be borne entirely by the applicant.

§ 110-45. Separate water service required.

A separate and independent water service shall be provided for every dwelling, building or property used for human occupancy, employment, recreation or other

purpose. A water service, water meter and water service pipe shall not service more than one:

A. Dwelling house, either detached or one side of a double house or a house in a row of houses, provided that a garage, a guest house and similar features incidental to the family life shall be considered as a portion of the dwelling.

B. Industrial, commercial or manufacturing establishment.

C. Building separated from adjacent buildings by a party wall or walls and comprising apartments, stores, offices or a combination thereof.

D. Detached building comprising apartments, stores, offices or any combination thereof.

E. Establishment consisting of individual dwelling units under the management of a single commercial or cooperative entity.

F. Unit of property commonly referred to as a "condominium unit" and/or "unit property," subject to the requirements Title 25 of the Delaware Code, Chapter 25.

G. Property which is converted from ownership by a single commercial or cooperative entity or from any other form of ownership to condominium units shall comply with the requirements of this Article.

§ 110-46. Use of water on premises.

Use of water shall be confined to the premises named on the permit. No customer shall supply another with water, nor shall it be used for any purpose not listed on the permit application.

§ 110-47. Multiple water meters at one premise.

Any such dwelling, building or property as classified in § 110-45 of this Article may be supplied by two or more water meters, each of which, for billing by the County, shall be considered as being one customer account.

§ 110-48. Responsibility for costs of connection; indemnification of County.

3945 A. All costs and expenses pertaining to the installation and connection of the
3946 water service pipe shall be borne by the property owner including any and all
3947 upgrades or extensions to the county's main related to the owner's request.

3948 B. The owners shall indemnify Sussex County from any loss or damage that may,
3949 directly or indirectly, be occasioned by the installation of the water service
3950 pipe or lack thereof.

3951 **§ 110-49. Protection from contamination.**

3952 The customers water supply system shall be designed installed and maintained in a
3953 manner that will prevent the contamination of the water supply. Requirements for
3954 such protection are given in the Technical Bulletin for Building Sewer and Water
3955 Service.

3956 **§ 110-50. Materials and methods for connection.**

3957 The connection of the water service pipe to the water meter and the size, alignment,
3958 materials of construction of the water service pipe and the methods to be used in
3959 excavating, placing of the pipe, jointing, testing and backfilling the trench shall all
3960 conform to the requirements of the Technical Bulletin for Building Sewer and Water
3961 Service.

3962 **§ 110-51. Responsibility for and control of water main connections.**

3963 The County shall inspect all connections to the water mains and maintain all water
3964 service lines from the water main to and including the curb cock and box or meter
3965 pit. The curb cock and box or meter pit shall be placed in back of the property line
3966 and shall be the property of the County and under its control. This inspection will
3967 require an open-trench visual inspection.

3968 **§ 110-52. Notification of readiness for inspection and connection.**

3969 The installing plumber shall give a required minimum 24-hour notice to the
3970 Engineer's office when the water service pipe is ready for connection, inspection and
3971 testing if deemed necessary. The connection shall be made under the supervision or
3972 approval of the Engineer.

3973 **§ 110-53. Restoration of service installations.**

All excavations for water service pipe installations shall be backfilled as soon as possible after completion of the open trench inspection. Any pavement, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County, and in compliance with any applicable DelDOT permits.

§ 110-54. Water meters.

A. All water meters belonging to the County shall be placed by the County and kept in repair, except that the owner of the building served shall be responsible for any damage caused by negligence of the owner or tenant and including their guest and or invitees. The Engineer shall determine, in each case of damage, the cause and cost of replacement or repair.

B. No meter or bypass valve shall be disconnected from the pipes, moved, disturbed or have its seal broken by any person except an authorized employee of the County.

C. The customer shall notify the Engineer's office of any injury to or cessation of registration of a meter, or meter pit assembly as soon as it comes to his or her knowledge.

§ 110-55. Discontinuance of service.

A. Water service may be discontinued, upon notice to the owner, his or her authorized agent or the occupant, for any of the following causes:

1) Use of water for any purpose other than that described on the permit application.

2) Willful waste of water through faulty pipes, fixtures or otherwise.

3) Tampering with or damaging any service pipes, meters, seals or any other property of the County.

4) Refusal of reasonable access to property for the purpose of inspections and maintenance and for failure to make provisions to afford the County access to the meter readout at least once every three months during regular County working hours.

- 4003 5) Making or refusing to sever any cross-connections between a pipe or
4004 fixture carrying water furnished by the County and a pipe or fixture
4005 carrying water from any other source.
- 4006 6) Nonpayment of water service charges and/or fines.
- 4007 7) Extending water pipes to other buildings without obtaining a proper
4008 permit.
- 4009 8) Failure to correct piping and fixtures in a water distribution system that
4010 could allow contamination of the water source.
- 4011 9) Violation of any regulation governing water service.
- 4012 B. Water service may temporarily be shut off by the County for any of the
4013 following reasons:
- 4014 1) Making alterations, repairs or inspections of water mains or pipes.
- 4015 2) In case of emergency such as fire, rupture during freezing conditions,
4016 contamination or any other reason for the general welfare.
- 4017 3) Removing the water meter for repair or testing.
- 4018 C. When the County discontinues water service for any reason, it does so without
4019 liability to such owner or occupant as may own or occupy the building to
4020 which such connection is made.
- 4021 D. No customer shall be entitled to recover for damages or to have any portion
4022 of the water charges refunded for any stoppage of water service.
- 4023 **§ 110-56. Public fire hydrants.**
- 4024 A. Public fire hydrants are installed and supplied with water for the express
4025 purpose of combating fires. Fire hydrant use is restricted to Fire Departments
4026 and those authorized by the Engineer.
- 4027 B. It shall be unlawful for any person to:
- 4028 1) Take water from a public fire hydrant, except for the purpose of combating
4029 fire, except with the approval of the Engineer.

2) Have in possession any key to any fire hydrant, except such key as may be furnished by the County.

3) Open a fire hydrant with any device except the proper key.

4) Place or allow to be placed any vehicle, object or material within 15 feet of any fire hydrant which obstructs or restricts access to said fire hydrant.

C. Temporary use of water may be supplied through a public fire hydrant for uses other than extinguishing fires by application for a use permit to the Engineer and payment of charges that may be stipulated if the application is approved by the Engineer. The applicant shall be responsible for any damage occasioned by the use of the fire hydrant or other appurtenance.

D. The County does not assume any liability to parties receiving water service as an insurer of property or person, and the County does not guarantee any special service, pressure, capacity other than is permitted by the ordinary and changing operating conditions of the County as the same exist from day to day. The County shall be free and exempt from any claims for injury to any persons or property by reason of fire, water and failure to supply water pressure or capacity.

§ 110-57. Private fire service.

A. Any person desiring a private water supply from the County for the purpose of extinguishing fire or desiring to make alterations on an existing private fire service shall first make application to the Engineer and obtain approval of the private fire service and a permit to install or alter the same.

B. All costs pertaining to the installation of a private fire service, including but not limited to tapping the public water main and piping to the property line, shall be borne by the applicant.

C. A private service line shall be required for on-premises fire hydrants, automatic sprinklers or other fire service devices located inside a building or buildings, and such private service line is to be used exclusively for fire service.

D. It shall be unlawful to use fire hydrants, automatic sprinklers or other fire-service appliances installed on a premise, building or buildings for any purpose other than for the extinguishment of fires.

4062 E. The County does not assume any liability to parties receiving water service
4063 as an insurer of property or person, and the County does not guarantee any
4064 special service, pressure, capacity other than is permitted by the ordinary and
4065 changing operating conditions of the County as the same exist from day to
4066 day. The County shall be free and exempt from any claims for injury to any
4067 person or property by reason of fire, water and failure to supply water
4068 pressure or capacity.

4069 F. The County shall set fees for the recovery of costs from specific customers
4070 utilizing the County's public water system availability for a private fire
4071 service. The applicable charges or fees shall be included in the schedule of
4072 fees adopted as part of the Annual Sussex County Budget.

4073 **§ 110-58. Water meter testing.**

4074 A. The quantity of water recorded by the meter shall be conclusive on both the
4075 customer and the County except when the meter has been found to be
4076 registering inaccurately or has ceased to register. In either case, the meter
4077 shall be promptly repaired or replaced by the County, and the quantity of
4078 water consumed shall be estimated by an average of previous readings of the
4079 meter when in good working order during as many as two recorded periods
4080 of the same period in previous years but in no case less than the minimum
4081 charge.

4082 B. In the case of a disputed account involving the accuracy of a meter, such meter
4083 shall be tested at the request of the customer in conformity with the provisions
4084 of the County water regulations. In the event that the meter so tested is found
4085 to have an error in registration in excess of 5% slow or fast, the bills shall be
4086 adjusted accordingly as provided in the aforesaid rules.

4087 C. When meters are removed after installation at the request of the customer for
4088 testing, the following rules shall apply: The County shall, upon a written
4089 request of a customer and, if he or she so desires, in his or her presence or
4090 that of his or her authorized representative, make a test of the accuracy of the
4091 meter. When a customer desires, either personally or through a
4092 representative, to witness the testing of a meter, he or she may require a meter
4093 to be sealed in his or her presence before removal, which seal shall not be
4094 broken until the test is made in his or her presence. if the meter so tested shall
4095 be found to be accurate within the limits herein specified, the cost for
4096 removing, testing and replacing the meter will be paid by the customer

4097 requesting such test, but if not so found, then the cost thereof shall be borne
4098 by the County.

4099 **Article VII. Building Sewers and Water Service Lines**

4100 **§ 110-59. Scope.**

4101 Any item not covered in this Article or the Technical Bulletin for Building Sewer and
4102 Water Service shall be evaluated on a case by case basis by the Engineer. The
4103 provisions of this Article shall apply to every water service pipe and building sewer
4104 installation connected to County-owned systems, including alterations, repairs and
4105 replacements.

4106 **§ 110-60. Purpose.**

4107 The purpose is to preserve the health, sanitation, safety and welfare by regulating
4108 installation and maintenance of plumbing in its scope and to promote utilization of
4109 durable, standardized materials, free from defects and sufficient to provide adequate
4110 service life.

4111 **§ 110-61. Licensing.**

4112 Before any person, firm or corporation shall engage in the business of installation,
4113 alteration or maintenance of any plumbing under the scope of this Article, he/she
4114 shall obtain a Master Plumber license from the State of Delaware.

4115 **§ 110-62. Permit required.**

4116 A. Any licensed plumber who desires to install and connect any work covered
4117 under the scope of this code shall first make application to the Sussex
4118 Engineer and obtain the required permit.

4119 B. Application for a permit shall be made by an applicant in the manner and
4120 method directed by the Engineer.

4121
4122 C. The application shall be signed by the licensed plumber or his or her
4123 authorized representative and the owner or the owner's representative of the
4124 building(s) to be connected. Signature of the application shall permit the
4125 County access to private property for inspection of the building sewer and/or
4126 water service.

4127 *D. If the Engineer is satisfied that the work described in the application and*
4128 *attached exhibits meets all requirements and the applicant has no outstanding*
4129 *open permits in bad standing, a permit shall be granted allowing the work to*
4130 *proceed in accordance with the application.*

4131 *E. The applicant shall retain a copy of the approved permit at the job while work*
4132 *is in progress and the County shall retain the original as a permanent record.*

4133 **§ 110-63. Installation by homeowner.**

4134 *A. Any property and/or building owner is permitted to install a building sewer*
4135 *and/or water service pipe within the property boundaries, provided that such*
4136 *building sewer and/or water service pipe installation is done by*
4137 *himself/herself and is used exclusively by him/her or his/her family.*

4138 *B. Owner must obtain a permit from the Engineer's office and have the work*
4139 *inspected in accordance with the requirements of this Chapter*

4140
4141 *C. Owner shall retain a licensed plumber to comment on the suitability of the*
4142 *building drain vent as well as make the final connection of the building sewer*
4143 *and/or water service pipe to the County sewer and/or water system.*

4144 **§ 110-64. Building sewers.**

4145 *A. Building sewer material, size and installation requirements shall adhere to*
4146 *the Technical Bulletin for Building Sewer and Water Service.*

4147 *B. At least one cleanout shall be provided at the property line and one within (5)*
4148 *five feet of the structure to be served. Size and installation requirements shall*
4149 *adhere to the Technical Bulletin for Building Sewer and Water Service.*

4150 *C. Testing may either be performed as per the Technical Bulletin for Building*
4151 *Sewer and Water Service or as directed by the Engineer.*

4152
4153 **§ 110-65. Protection of sewer system.**

4154 *A. It shall be unlawful for any person or entity to deposit by any means into the*
4155 *building sewer in particular or the sewer system in general any material*
4156 *which, in the opinion of the Engineer, would or could obstruct, damage or*
4157 *negatively impact the County sewer system.*

4158 B. No stormwater, surface water, groundwater, cooling water or other
4159 unpolluted water shall be discharged to the building sewer. Those drain
4160 connections not intended for but liable to permit the entrance of stormwater,
4161 such as outside surface level showers, shall not be connected to the building
4162 sewer. This does not prohibit the connection of an outside shower to the
4163 building sewer, provided that it is enclosed, covered and raised and/or
4164 protected by curbing to prevent the entrance of stormwater.

4165 C. Commercial or industrial wastes detrimental to the functioning of the sewer
4166 system and facilities shall meet the following minimum requirements:

4167 1) Interceptors shall be provided when, in the opinion of the Engineer they
4168 are necessary for the proper handling of liquid wastes containing
4169 grease, flammable wastes, sand and other ingredients harmful to the
4170 building drainage system, the public sewer or the facility processes.
4171 The size, type and location of each interceptor or separator shall be
4172 approved by the Engineer, and no wastes other than those requiring
4173 treatment or separation shall be discharged into any separator.

4174 2) Oil-water interceptors shall be required for all commercial, storage or
4175 repair garages; gasoline stations with grease racks, grease pits or
4176 wash racks; all car washes; and all factories which have oily and/or
4177 flammable wastes as a result of manufacturing, storage, maintenance,
4178 repair or testing operations.

4179 3) Sand filters shall be required whenever the discharge of a floor drain
4180 may contain liquids and/or solids potentially harmful to the sewer
4181 system. If sand filters are required they shall be discharging through
4182 an oil-water separator and shall be located upstream of the separator.

4183 4) Basket-type interceptors shall be required on commercial laundry
4184 wastes and shall be equipped with a removable and cleanable basket
4185 that will prevent passage into the drainage system of solids 1/2 inch or
4186 larger, string, rags or other materials detrimental to the sewer system.

4187 5) Basket- or special-type screening devices of not less than 14 mesh shall
4188 be required on food-processing waste streams downstream of the
4189 shredding equipment.

4190 D. All food-processing establishments discharging into the sewer system through
4191 a building sewer shall capture as much grease as possible within the confines
4192 of their business and not allow it to enter the sewer system. These
4193 establishments shall install, maintain, and use grease traps, grease
4194 interceptors or other comparable devices which represent the best practicable
4195 control technology for oil/grease removal.

4196 E. The Engineer is authorized to include technical guidelines related to the
4197 equipment specifications and discharge limits of fats, oil & grease in the
4198 Technical Bulletin for Building Sewers and Water Service.

4199 F. The Engineer may inspect all food-processing establishments for an
4200 unannounced inspection at any time during operating hours for confirmation
4201 of compliance.

4202 **§ 110-66. Water service pipe.**

4203 A. Material Type and Size

4204 1) See the Technical Bulletin for Building Sewer and Water Service.

4205 B. Disinfection of water service pipe.

4206 1) The Engineer may require that the water service piping be disinfected
4207 before it is placed in service if, in his judgment, such action is
4208 necessary.

4209 **§ 110-67. Protection of potable water supply.**

4210 A. The potable water shall be protected from contamination from any source.

4211 B. There shall be no cross-connection between the potable water service pipe
4212 and internal domestic distribution system and any other source of water.

4213 C. Any building supplied with water through a Sussex County water district shall
4214 have no other source outlet located within the building.

4215 D. Costs associated with any emergency, temporary water service disconnection
4216 and/or reconnection for protection of the system integrity in the opinion of the
4217 Engineer or the convenience of the property owner shall be compensated by
4218 the property owner at a onetime charge, per occurrence, which shall be

4219 included in the schedule of fees adopted as part of the Annual Sussex County
4220 Budget.

4221 **§ 110-68. Backflow prevention for buildings with fire service.**

4222 A backflow-prevention device shall be installed in the water service pipe to every
4223 building served by a separate fire service. The device shall be located within 5 feet
4224 of the exterior foundation wall and shall be accessible for service. As a minimum
4225 requirement, the backflow-prevention device shall consist of a manual shutoff valve
4226 followed by a spring-loaded check valve and a pressure-relief valve on the
4227 downstream side of the check valve. The pressure-relief valve drain shall be piped
4228 full size with no valve or trap to a location where emergency water spillage will
4229 create no problem.

4230 **§ 110-69. Abandoned septic tanks and cesspools.**

4231 Abandoned septic tanks and cesspools shall be made safe and harmless in
4232 accordance with the regulations of the State of Delaware Division of Environmental
4233 Control. County defers all inspection and enforcement action to the State.

4234 **§ 110-70. Abandoned wells.**

4235 Permanently abandoned wells shall be filled and sealed in accordance with the
4236 regulations of the State of Delaware Division of Environmental Control. County
4237 defers all inspection and enforcement action to the State.

4238 **§ 110-71. Inspections and testing.**

4239 **A. Plumbing.**

4240 1) All plumbing work installed under the scope of this code shall be inspected
4241 to ensure compliance with the code and assure that the installation is in
4242 accordance with the approved plans and permit.

4243 2) The installing plumber shall give a required minimum 24-hour notice to
4244 the Engineer's office when the installation is ready for connection,
4245 inspection and testing. The plumbing shall be deemed ready for connection
4246 to the sewer system, inspection and testing if the pipe is laid on grade and
4247 bedded to 1/3 of its diameter, joints are pushed home and connected to the
4248 building.

4249 3) Prior to inspection, the building sewer shall not be connected to the sewer
4250 system nor shall the water service pipe be connected to the water system
4251 without Engineer approval.

4252 4) The final system connection shall be made under the supervision and/or
4253 direction of the Engineer and will require an open trench visual inspection.

4254 5) The equipment, material and labor necessary for the inspection and testing
4255 shall be furnished by the installing plumber.

4256 6) The plumbing shall not be covered until it has been inspected, tested and
4257 approved; it shall be uncovered upon violation of the open trench
4258 inspection requirement.

4259 7) Upon the satisfactory completion and final test of the plumbing, a signed
4260 copy of the original permit will be issued signifying final completion.

4261 B. Building sewer testing.

4262 1) The building sewer shall be tested by insertion of a plug blocking the point
4263 of connection with the sewer system. The building sewer shall be filled with
4264 water to the level of the lowest trap, and the water shall not show a level
4265 drop for a period of 15 minutes.

4266 2) If the building sewer is approved, the final connection to the lateral shall
4267 be made in the presence of and/or at the direction of the Engineer, and the
4268 pipe trench shall be backfilled per the Technical Bulletin for Building
4269 Sewer and Water Service.

4270 3) The building sewer may be connected to the system prior to the test,
4271 provided that said connection is made only in the presence of and at the
4272 direction of the Engineer.

4273 C. Water service pipe.

4274 1) The water service pipe shall be tested and proved tight under a pressure
4275 not less than the working pressure under which it is to be used. The water
4276 used for the test shall be potable water from the house service connection
4277 and shall be supplied to the water service pipe only in the presence of and
4278 at the direction of the Engineer.

2) If the water service connection is approved, the trench shall be backfilled per the Technical Bulletin for Building Sewer and Water Service.

Article VIII. Inspectors

§ 110-72. Right of entry.

The Engineer and other duly authorized employees of the County in regulating, constructing or inspecting water and sewer districts, Facility operation and maintenance or any other matter over which he or she has jurisdiction pursuant to this Chapter and Title 9 of the Delaware Code shall be permitted to enter all private or public properties for the purpose of inspection or determining whether a violation exists of an enforceable statute or regulation. Access shall be permitted upon giving verbal notice and after presenting official identification to the owner, occupant, custodian or agent of said property.

§ 110-73. Entry and work on easements.

The Engineer and other duly authorized employees, agents, consultants and/or contractors of the County bearing proper credentials and identification shall be permitted to enter all private properties through which the County holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the improvements lying within said easement. All entry and subsequent work, if any, within said easement shall be done in full accordance with the terms of the duly negotiated easement agreement pertaining to said private property.

Article IX. Penalties

§ 110-74. Violations and penalties.

A. Any person or entity found to be violating or in violation of any provision of Article III, shall be fined not less than \$100 nor more than \$1,000 for each violation.

B. Any person or entity found to be violating or in violation of Article V shall be served by the County with written notice stating the nature of the violation and providing a time limit, not to exceed 30 days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

4311 *C. Any person or entity who continues any violation as covered in Subsection A*
4312 *of this section or who continues any violation covered in Subsection B of this*
4313 *section beyond the time limit provided shall be fined not less than \$100 nor*
4314 *more than \$1,000 for each day in which any such violation shall continue.*

4315 **§ 110-75. Liability for expenses caused by violation.**

4316 *Any person violating any of the provisions of this Chapter shall become liable to the*
4317 *County for any expense, loss or damage occasioned the County by reason of such*
4318 *violation.*

4319 **§ 110-76. Civil action.**

4320
4321 *Notwithstanding § 110-74C, equitable relief may be sought by the filing of a civil*
4322 *action in the Court of Chancery to initiate an injunction, mandamus, abatement or*
4323 *any other appropriate action. The laws of the State of Delaware shall regulate civil*
4324 *proceedings relevant to this Chapter.*

4325 **Article X. Sewer System Expansion Procedures**

4326 **§ 110-77. Authorization for extensions; responsibility for costs.**

4327 *A. For a property or properties located within the Unified Sanitary Sewer District*
4328 *the County may permit, upon written application and execution of a project*
4329 *construction agreement, the construction of improvements to, or expansion of,*
4330 *the sanitary sewer system where no existing sewer service is available.*

4331 *B. The developer of such a property requesting the construction of a standalone*
4332 *sewer system or the extension of the existing sewer system shall pay all direct*
4333 *and indirect costs of the improvements to be constructed including but not limited*
4334 *to wastewater collection, local transmission and, if applicable, a proportion of*
4335 *regional wastewater transmission and treatment upgrades required to serve the*
4336 *proposed development property.*

4337 *C. All construction performed by the developer shall be inspected for compliance*
4338 *with the project construction permit by the Engineer or by a consulting engineer*
4339 *selected by the County. The County shall set fees for the recovery of costs for said*
4340 *inspection services which shall be set during the annual Sussex County Budget*
4341 *process.*

4343 D. All construction shall conform to the Sussex County Standards and Specifications
4344 issued by the Engineer. The standards may be amended from time to time by the
4345 Engineer to reflect changing trends in material, equipment and construction
4346 techniques. Amendments shall be effective immediately upon posting on the
4347 County website.

4348
4349 E. In the case where a standalone sewer system or the extension of the existing sewer
4350 system connects to an established area with available collection and
4351 transmission capacity previously funded by the County a Use of Existing
4352 Infrastructure Agreement shall be required as outlined in Article XIV.

4353
4354 **§ 110-78. Sewer system design and easements acquisition.**

4355 A. All easement acquisitions necessary for the construction of a standalone
4356 sewer system or the extension of the existing sewer system shall be at the sole
4357 expense of the developer.

4358 B. The developer shall be required to provide all improvements adequately sized
4359 to serve the proposed residential/commercial development and all tax parcels
4360 which were created from the original base parcel via minor subdivision(s).
4361 Provisions shall be made to extend sewer service, at a minimum slope, to the
4362 property line of all these adjoining parcels regardless of ownership or
4363 control.

4364 C. In general, sewer lines shall be designed for the estimated contributory
4365 number of residential and/or commercial equivalent dwelling units (EDUs) to
4366 be served in the future based on zoning at the time of design plus a 10%
4367 allowance for future infill up-zoning in the sewer the basin. Provided,
4368 however, that such capacity determinations shall not be indicative of future
4369 zoning or land use decisions.

4370
4371 D. The design of extensions to existing sanitary sewage collection systems shall
4372 be based on site specific flow data if adequate records are available. If no
4373 flow records are available, or when new systems are being established, the
4374 average flow design criteria shall not be less than 250 GPD per equivalent
4375 dwelling unit (EDU) or 175 GPD per manufactured home berthing space.

4376
4377 E. Gravity sewer mains and pump stations shall be designed using a peak flow
4378 equivalent based on the following equation:

4380
$$Q_{max} / Q_{avg} = (20 + 2 [EDU/10]^{0.5}) / (5 + 2 [EDU/10]^{0.45})$$

4381
4382 where: Q_{max} = Maximum rate of sewage flow and Q_{avg} = Average daily sewage
4383 flow

4384
4385 F. All gravity sewers with three or more branch sewer connections shall be
4386 designed at minimum slope and maximum depth. This requirement shall apply
4387 to all sewers serving adjoining parcels regardless of the number of branch
4388 sewer connections.

4389 **§ 110-79. Project construction agreement.**

4390 Prior to the commencement of any construction of water or sanitary sewer facilities,
4391 the developer shall execute the standard County project construction agreement.
4392 Said agreement shall not be issued until the following requirements have been met
4393 by the developer:

4394 A. Submission of plans and specifications for the proposed construction certified
4395 by a registered professional engineer, with said plans and specifications being
4396 subject to approval by the County.

4397 B. Submission of a letter of application and affirmation of cost for review and
4398 approval by the County.

4399 C. Submission of evidence that all required off-site easements have been
4400 acquired and recorded.

4401 D. Payment of a construction, administration and inspection fee. This fee shall
4402 be set during the annual Sussex County Budget process.

4403 E. Payment of fees for the engineering design review. This fee shall be set during
4404 the annual Sussex County Budget process.

4405 **§ 110-80. Conveyance of title and interest to County.**

4406 Upon completion of construction of the water or sanitary sewer improvements and
4407 final approval of the same by the County, the developer shall convey all of its right,
4408 title and interest in and to said water and/or sewer improvements to the County, free
4409 and clear of any and all liens, claims, charges and encumbrances attaching thereto.
4410 Said transfer of the right, title and interest in and to said water or sewer

4411 improvements shall be accomplished by such documentation as the County Attorney
4412 shall deem necessary and appropriate.

4413 **Article XI. Sewer and Water Assessments**

4414 **§ 110-81. Annual assessment roll.**

4415 A. The Sussex County Council each year shall, after a public hearing, establish
4416 an annual assessment roll for the sanitary sewer or water districts, which
4417 shall be known as the "sanitary sewer assessment" or "water assessment."

4418 B. Notice of the public hearing shall state that the assessment roll has been
4419 completed and filed and that, at the time and place fixed for the public
4420 hearing, the County Council will meet and hear and consider any objections
4421 which may be made to the assessment roll. Notice of the public hearing shall
4422 be published in a newspaper published within Sussex County and having a
4423 general circulation in the County once in each of the two weeks immediately
4424 preceding the week in which the public hearing is to be held.

4425 C. After holding the public hearing, the County Council may change or amend
4426 the assessment roll as it deems necessary or may confirm and adopt the
4427 assessment roll as originally proposed or as amended and changed.

4428 **§ 110-82. Annual assessment fees.**

4429
4430 The annual sanitary sewer assessment fee and/or annual water assessment fee may
4431 be established for each area of the Unified Sanitary Sewer District and or water
4432 district. Annual assessment fees shall be based on a proportion, as determined by
4433 the County, of the total amount required each year to reimburse the County for sums
4434 to be expended for retiring bonds and/or notes which have been issued or capital
4435 expenditures for a sanitary sewer district area or a water district to design, acquire
4436 and construct a respective sewer collection and local transmission system or a
4437 respective water system. Unless otherwise determined by the County as part of the
4438 approval of its annual assessment roll, the method of determining the assessment fee
4439 shall be based upon the method established at the time the property was
4440 incorporated into a sanitary sewer district or water district pursuant to Title 9 of the
4441 Delaware Code, as follows:

4442 A. Where EDUs are established as the method of determining assessment fees,
4443 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 XII of this Chapter 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 XII of this Chapter 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 front footage.

C. All properties that are located in the Unified Sanitary Sewer District or a water district as of January 1, 2018 shall continue to be assessed based upon the assessment methodology applied at that time, unless otherwise determined by the County as part of the approval of its annual assessment roll.

§ 110-83. System connection charge.

A. The County shall assess a onetime sewer System Connection Charge for financing future expansion and/or replacement of sewage transmission as well as treatment and disposal projects. The sewer system connection charge shall be proportioned between transmission and treatment, as determined by the County, of amounts sufficient to compensate the County for all or a proportion of the capital costs required to plan, design, acquire, construct or replace said facilities.

B. The County shall assess a onetime water System Connection Charge for financing future expansion and/or replacements of water supply, treatment and storage systems. The water system connection charge shall be proportioned between water system components, as determined by the County, of amounts sufficient to compensate the County for all or a proportion of the capital costs required to plan, design, acquire, construct or replace said facilities.

C. The County shall set the water and sewer system connection charges during the annual Sussex County Budget process.

4479 D. The connection charge shall apply to each dwelling(s) or building(s) located
4480 on a parcel, and to all other establishments to which EDUs are assigned
4481 pursuant to Article XII of this Chapter.

4482
4483 E. The connection charge shall be applicable, but not limited to, the following
4484 scenarios where water and/or sewer facilities owned or contracted by the
4485 County are utilized:

4486
4487 1) To all new connections in an existing water or sanitary sewer area
4488 including entities exempt from payment of water or sanitary sewer
4489 assessments pursuant to § 110-86.

4490 2) In an existing water or sanitary sewer area where service was previously
4491 technically not available.

4492 3) In an existing or new water or sanitary sewer area when a structure is
4493 expanded or reconstructed to the extent that the revised number of EDUs
4494 exceed the EDU assignment prior to such expansion or reconstruction.

4495
4496 F. EDUs assigned to dwellings, structures or any other establishments subject
4497 to the connection charge shall be based upon the number of EDUs as
4498 determined in Article XII. Any increase in the number of EDUs shall result
4499 in the assessment of additional system connection charge(s).

4500
4501 G. The connection charge provided for herein shall be in addition to all other
4502 charges and assessments made in connection with the furnishing of water
4503 and/or sewer service and shall be billed and payable in a manner determined
4504 by the County.

4505
4506 H. The connection charge shall be a lien on the property and shall be collected
4507 by the County as are other County taxes. The properties against which such
4508 connection charges are levied shall be liable for the payment of the connection
4509 charges in the same manner as they are liable for other County taxes.

4510
4511 **§ 110-84. Front footage measurements.**

4512 Front footage measurements for collection/distribution and transmission/ treatment
4513 purposes shall be completed for every assessable parcel in each district/area, if
4514 assessed on a front footage basis.

4515 A. Front footage for every assessable parcel in each district shall be computed
4516 by the procedures enumerated:

4517 1) Where the parcel contains two or more previously recorded lots, the front
4518 footage measurement for the parcel shall be the total of the front footage
4519 measurements of those lots within the parcel, except that, where two or
4520 more adjacent lots are set apart and occupied and used for the same
4521 purpose, the front footage measurement shall be determined by the total
4522 measurements of the lots set apart.

4523 2) A parcel in a street with one side only fronting the street shall be assessed
4524 the total front footage.

4525 3) A parcel on two or more streets shall be assessed the total front footage of
4526 the shortest side of the parcel.

4527 4) A parcel is a parcel fronting two or more streets when the angle of the
4528 extended street center line is 135° or less, and it shall be assessed as a
4529 parcel on two or more streets.

4530 5) A parcel abutting water shall be assessed on deed dimension or as
4531 measured on the Official Sussex County Property Map.

4532 6) A parcel on a cul-de-sac shall be assessed the total front footage.

4533 7) Where a parcel configuration contains an arc, the length of the arc shall
4534 be used as front footage measurements. When an arc forms a parcel
4535 corner, the center of the measured arc shall constitute the corner.

4536 8) When a parcel has an easement across it by any public authority, the
4537 easement shall have no bearing on the assessment. When a parcel has a
4538 right-of-way across it by any public authority, the right-of-way shall be
4539 deducted from the parcel dimension.

4540 9) In no case shall a parcel or other individually owned property be assessed
4541 less than 40 feet. The County as part of the annual budget process may
4542 choose to place a cap on the front footage of parcels improved with only
4543 one single family residential structure.

4544
4545 10) Where a parcel contains multiple living units or building(s) and/or
4546 dwelling(s) with a number of assigned equivalent dwelling units greater
4547 than one, which is served by a County sewage or water system, the parcel

shall be assessed on the assessable footage of streets within the parcel and abutting the public street or the number of assigned equivalent dwelling units times 40, whichever is greater. This calculation shall not apply to parcels improved with only one single family residential structure.

11) A parcel shall be considered irregular in shape when the area of the parcel is in proportion less than half of the area of a rectangular- or square-shaped parcel having the same actual total front footage dimension and the same maximum depth dimension as the parcel being considered as irregular in shape. The maximum depth dimension shall be measured perpendicular to the actual total front footage dimension and shall not be located for any portion outside of the physical boundaries of the parcel being considered as irregular in shape. An irregular-shaped parcel shall be assessed a total footage assessment equal to the area of the parcel divided by the maximum depth of the parcel as defined herein.

12) Parcels designated as State or federal wetlands and requiring a proper permit prior to being improved shall not be assessed until such time as a permit is obtained.

13) Any parcel reduced in size, by reason of acquisition by public authority, beyond the required minimums under the respective zoning for a structure to be built shall not be assessed.

§ 110-85. Collection of assessment fees.

A. The annual sanitary sewer assessment fee or water assessment fee shall be a lien on the property and shall be collected by the County government as are other County taxes. The properties against which such assessments are levied shall be liable for the payment of the assessments in the same manner as they are liable for other County taxes, and subject to the same collection procedures as set forth in Chapter 67 of Title 9 of the Delaware Code.

B. A parcel, whether vacant or occupied, shall become liable for a sanitary sewer assessment fee or water assessment fee when a connection from the main sewer or water main is or can be made to the parcel.

C. The annual sanitary sewer assessment fee or the annual water assessment fee shall be set by the County during the annual Sussex County budget process, or

4584 as amended and changed for new areas, billed and collected on a regularly
4585 scheduled basis as established by the County.

4586 **§ 110-86. Property exempt from assessment.**

4587
4588 A. No assessment shall be made against any property during the period in which
4589 it is not subject to taxation and assessment for County and municipal
4590 purposes.

4591 B. No assessment shall be made against that portion of a parcel during the
4592 period in which the portion qualifies for agricultural, horticultural or forest
4593 uses as more fully defined by 9 Del. C. §§ 8330 through 8337, inclusive.
4594 Should that portion of a parcel no longer qualify for such agricultural,
4595 horticultural or forest uses, then the connection charges more fully defined in
4596 § 110-83 of this Chapter shall be levied as a result of and for the period of the
4597 exemption.

4598 **§ 110-87. Adjustment of assessment.**

4599 A. In the case where a proposed County sanitary sewer or water area includes
4600 parcels wherein sanitary sewer or water systems have been previously
4601 constructed under the authority of municipalities, corporations or individuals,
4602 discretionary adjustments, as determined by the County Engineer may be
4603 made with each property owner for costs incurred by the property owner when
4604 those sewers and water systems were constructed. Provided, however, that
4605 no adjustment shall be made for sewer and water systems constructed more
4606 than five years prior to the district area expansion approval by County
4607 Council.

4608 B. Where a condition on which an original assessment was based on changes,
4609 such as parcel division, street construction or construction of multiple-
4610 dwelling buildings, then that parcel will be reassessed and liable for the
4611 revised assessment.

4612 **Article XII. Service Charges**

4613 **§ 110-88. Establishment of annual service charges; determination of amount of**
4614 **charge.**

4615 A. A county wide unified sanitary sewer service charge or an individual water
4616 service charge shall be established each year for the Unified Sanitary Sewer

District and any water district respectively. The County shall set the service charges during the annual Sussex County Budget process.

B. Sufficiency of charges.

1) The sanitary sewer service charge shall be sufficient to reimburse the County for sums to be expended for operating, maintaining and improving the sewer system and for a proportion, as determined by the County, of sums to be expended for retiring bonds which have been issued for planning, designing, acquiring and constructing the sewer treatment and transmission systems.

2) The water service charge shall be sufficient to reimburse the County for sums to be expended for operating, maintaining and improving the water system and for a proportion, as determined by the County, of sums to be expended for retiring bonds which have been issued for planning, designing, acquiring and constructing the water system.

C. The amount required each year for sewer or water service charges shall be based upon the equivalent dwelling units defined hereafter and upon the provisions of this Chapter.

D. One equivalent dwelling unit (EDU) shall be equal to 250 GPD in discharge and determined as enumerated below:

<u>Type of Establishment</u>	<u>Number of EDUs</u>
<u>Dwelling, detached or attached or apartment with 1 kitchen and 1 or more baths and 2 or more bedrooms separate from kitchen</u>	<u>1.0</u>
<u>Any manufactured home (with a Motor Vehicle title) with 1 kitchen and 1 or more baths</u>	<u>1.0</u>
<u>Apartment, condo or rental vacation cottage having either a single combined living space with an integrated kitchen or a maximum of 2 bedrooms and having 1 bath</u>	<u>0.75</u>
<u>Motel or hotel room without kitchen and with bath</u>	<u>1/3 per room</u>
<u>Retail store(s) building(s) 0.10 GPD/SF</u>	<u>1.0/2,500 ft²</u>
	<u>1.0 minimum per building</u>
<u>Laundromat, 250 GPD/washer</u>	<u>6.0 minimum</u>

Office units, 0.25 GPD/SF 1.0/1,000 ft²
1.0 minimum per building

Car wash

Self-service 1.0 per stall
Self-service and recycling water 0.2 per stall
Semi-automatic (mechanical without conveyor) 5.0 per stall
Semi-automatic (mechanical without conveyor) conserving and recycling water 1.2 per stall
Automatic with conveyor 33.0 per lane
Automatic with conveyor conserving and recycling water 13.6 per lane

E. The Engineer may adjust the EDU assessment for commercial laundromats or commercial car washes based on specific water conservation equipment to be installed utilizing equipment manufacturer's specifications.

F. Establishments listed below shall be assigned equivalent dwelling units as multiples of one equivalent dwelling unit (EDU). A minimum of one equivalent dwelling unit will be assigned per account.

1) Churches and attached facilities and buildings.

2) Fire stations.

3) Convention halls and public gathering places.

4) Municipal buildings.

5) Bus stations and other public depots.

6) Marinas without public access to restrooms.

G. One equivalent dwelling unit shall be equal to six fixture units. For assessment purposes, plumbing fixtures shall be assigned units as follows:

a) Sinks:

(1-bin): one fixture unit.

(2-bin): two fixture units.

- 4684 (3-bin): three fixture units
- 4685 Mop sink or service sink: one fixture unit.
- 4686 Shampoo sink: two fixture units.
- 4687 b) Lavatory: one fixture unit.
- 4688 c) Toilet: two fixture units.
- 4689 d) Bath and shower: one fixture unit.
- 4690 e) Flush urinal: one fixture unit.
- 4691 f) Domestic dishwasher: one fixture unit.
- 4692 g) Commercial dishwasher: three fixture units.
- 4693 h) Drinking fountain: one fixture unit.
- 4694 i) Domestic washing machine: one fixture unit.
- 4695 j) Faucet: one fixture unit.
- 4696 k) Floor/trench drain: one fixture unit.

4697

4698 H. Establishments listed below shall be assigned equivalent dwelling units

4699 (EDUs) as a fixed number of equivalent dwelling units plus a number of

4700 equivalent dwelling units based on the number of fixture units (FU's).

4701	<u>Type of Establishment</u>	<u>Number of EDUs</u>
4702	<u>Drive-in food service</u>	<u>1 EDU + FU/6 EDUs</u>
4703	<u>Delicatessen, eat-in and take-out</u>	<u>1 EDU + FU/6 EDUs</u>
4704	<u>Bars and lounges with no food service</u>	<u>1 EDU/150 seats + FU/6</u>
4705	<u>Restaurants and eating places, including combination eat-in</u>	<u>1 EDU/50</u>
4706	<u>seats + FU/6 EDUs</u>	
4707	<u>and take-out and eating places with bar(s)</u>	
4708		
4709	<u>Gas station without service bay</u>	<u>1 EDU + FU/6 EDUs</u>
4710	<u>Service station with up to 2 bays and no gas service</u>	<u>1 EDU + FU/6</u>
4711	<u>EDUs</u>	
4712	<u>Each additional service bay over 2</u>	<u>0.5 EDUs</u>

4713	<u>Grocery Stores</u>	<u>1 EDU + (#FUs/6)</u>
4714	<u>Convenience Stores</u>	<u>1.0 EDU + (#FUs/4)</u>
4715	<u>Marina without boat waste-pumping facilities</u>	<u>1 EDU/200 boat slips +</u>
4716		<u>FU/6 EDUs</u>
4717	<u>Marina with boat waste-pumping facilities</u>	<u>1 EDU/100 boat slips +</u>
4718		<u>FU/6 EDUs</u>
4719	<u>Campgrounds and recreational vehicle parks with</u>	<u>1 EDU/4 sites + FU/6</u>
4720	<u>EDUs</u>	
4721	<u>waste-handling and/or water facilities</u>	
4722		
4723	<u>Campgrounds and recreational vehicle parks without</u>	<u>1 EDU/8 sites +</u>
4724	<u>FU/6 EDUs</u>	
4725	<u>waste-handling and water facilities</u>	
4726		
4727	<u>Theaters, indoor</u>	<u>1 EDU/60 seats</u>
4728		
4729	<u>Theaters, outdoor</u>	<u>1 EDU/30 spaces</u>
4730		
4731	<u>I. Equivalent dwelling units shall be assigned to establishments not covered</u>	
4732	<u>above to assure that each establishment, in the opinion of the Engineer, is</u>	
4733	<u>given a reasonable assignment compatible with each establishment.</u>	
4734	<u>J. If an establishment does not have any physical improvements which have a</u>	
4735	<u>load-producing effect on the water system or the sewer system, then its</u>	
4736	<u>number of equivalent dwelling units assigned shall be zero.</u>	
4737	<u>K. The number of EDUs assigned to an establishment may be changed if there is</u>	
4738	<u>a change in any of the considerations, such as size or use of facilities, used in</u>	
4739	<u>assigning the EDUs originally.</u>	
4740		
4741	<u>§ 110-89. Basis for water service charge.</u>	
4742	<u>A. In the form and content determined to be appropriate by the County, the water</u>	
4743	<u>service charge shall be developed based upon consideration of such factors</u>	
4744	<u>as volume, capacity or peak rates of water use and the number of equivalent</u>	
4745	<u>dwelling units assigned to the users of the water system.</u>	

4746 B. Where a property subject to a water service charge is equipped with a water
4747 meter, the portion of the service charge related to water consumption may be
4748 based on or computed on the consumption of water as indicated by the water
4749 meter. For properties not served by a water meter or where metered water
4750 consumption is not known, an estimated quantity of water use associated with
4751 the number of equivalent dwelling units assigned to the property shall be used
4752 in lieu of metered water consumption.

4753 **§ 110-90. Basis for sewer service charge.**

4754 A. In the form and content determined to be appropriate by the County, the
4755 sewer service charge shall be developed based upon consideration of such
4756 factors as volume, capacity or peak rates of flow, sewage strength and the
4757 number of equivalent dwelling units assigned to the users of the Unified
4758 Sanitary Sewer District.

4759 **§ 110-91. Collection of service charges.**

4760 A. The sanitary sewer service charge or the water service charge shall be
4761 billed and collected on a regularly scheduled basis established by the
4762 County.

4763 B. A sanitary sewer service charge or a water service charge shall apply to
4764 any person or entity with a direct or indirect connection to the respective
4765 system for the use of said services.

4766 C. A sanitary sewer service charge or a water service charge shall be charged
4767 to any person or entity contracting for direct or indirect connection with
4768 or the use of services of the respective sewer or water system. Such sanitary
4769 sewer service charges or water service charges shall be charged to and
4770 collected from the owner or occupant, or both of them, of any real property
4771 which directly or indirectly is or has been connected with the respective
4772 sewer or water system. The owner or occupant, or both of them, of any
4773 such real property shall be liable for and shall pay such respective sanitary
4774 sewer service charges or water service charges to the County.

4775 D. Any improved property with physical access to the sewer and/or water not
4776 connecting to the County's sewer and/or water system after the time
4777 allotted for connection as dictated in the official connection letter shall be
4778 subject to an availability fee expressed in a percentage of the annual

4779 service charge. The County shall set the percentage associated with the
4780 service availability fee during the annual Sussex County Budget process.

4781 **§ 110-92. Failure to pay charges when due.**

4782 A. In the event that a service charge with regard to any parcel of real property
4783 is not paid as and when due, interest shall accrue and be due to the County
4784 on the unpaid balance at the rate of 1% simple interest per month or any
4785 fraction thereof until the service charge and interest thereon shall be fully
4786 paid to the County.

4787 B. In the event that a service charge with regard to any parcel of real property
4788 is not paid as and when due, the County government may, in its discretion,
4789 enter upon such parcel and cause the connection thereof leading directly or
4790 indirectly to the sewerage or water system to be cut and shut off until the
4791 service charge and any subsequent service charges with regard to such parcel
4792 and all interest accrued thereon are fully paid.

4793 **§ 110-93. Additional sewer laterals or water services.**

4794
4795 A. If a parcel encompasses two or more adjoining lots or multiple structures
4796 occupied and used for the same purpose, the owner of said parcel may request
4797 additional sewer lateral(s) or water service(s).

4798 B. The charge for such additional sewer lateral(s) or water service(s) shall be
4799 set by the County and shall reflect actual cost of contractual labor and
4800 material plus County cost associated with administration and inspection.

4801 C. The charges shall be billed based on the estimated cost of the proposed scope
4802 of work and due prior to commencement of the actual construction. At the time
4803 of completion, the charges will be adjusted with any additional costs due
4804 immediately or refunds issued promptly.

4805 D. All charges for work performed by the County under this section shall be
4806 considered liens on the property, and the County shall reserve the right to
4807 refuse any additional work to such properties until all liens have been
4808 satisfied.

4809 **Article XIII. Appeals**

4810 **§ 110-94. Appeals to Board of Assessment Review.**

4811 A property owner may appeal any assessment measurement or equivalent dwelling
4812 unit assignment to the Board of Assessment Review.

4813 A. The Board shall hear the appeal from any property owner who alleges that
4814 his property has been incorrectly measured for the purpose of sanitary sewer
4815 or water assessment or incorrectly assigned equivalent dwelling units for the
4816 purpose of a sanitary sewer or water service charge.

4817 B. Following the hearing of any property owner and, in the light of the facts
4818 produced at such hearing, the Board shall determine whether the front
4819 footage measurement or the equivalent dwelling unit assignment is correct.
4820 Should the Board find that the front footage measurement or equivalent
4821 dwelling unit assignment is incorrect, the Board shall order the Engineer to
4822 correct the front footage measurement or equivalent dwelling unit
4823 assignment.

4824 **§ 110-95. Judicial review.**

4825 Nothing herein shall be construed as limiting the right of a property owner to appeal
4826 to the courts in connection with the front footage measurement or equivalent
4827 dwelling unit measurement as provided by law.

4828 **Article XIV. Use of County Funded Sewer Capacity**

4829 **§ 110-96. Purpose.**

4830 A. This Article covers the third-party developer use of available, County funded
4831 sewer collection and/or transmission capacity within the Unified Sanitary
4832 Sewer District.

4833
4834 B. Utilization of County funded spare sewer collection and/or transmission
4835 capacity shall require a financial catch-up contribution towards the overall
4836 debt reduction of the Unified Sanitary Sewer District and/or future capital
4837 improvements in the Unified Sanitary Sewer District

4838 **§ 110-97. Requirement of Infrastructure Use Agreements.**

4839 A. If a developer and/or an individual property owner request to utilize
4840 available, existing sewer system capacity within the Unified Sanitary Sewer
4841 District, a financial catch-up contribution shall be required based on the

percentage of flow, as defined in a Sewer Service Concept Evaluation (SSCE) associated with said request and agreed upon in an Infrastructure Use Agreement.

B. If one or more person or entity requests to design, construct and jointly utilize future sewer infrastructure capacity of the Unified Sanitary Sewer District at different times, financial catch-up contributions shall be required based on the respective percentages of flow, as defined in the SCCE associated with said requests. Percentages of the catch-up contributions shall be based on existing zoning at the time of initial development agreed upon in individual Infrastructure Use Agreements.

C. If the County initiates and pays for all, or participates financially in part, of the construction of future sewer infrastructure, then the associated cost for the capacity expansion shall be subject to developer reimbursement in addition to catch up contributions for already existing downstream infrastructure as agreed upon in an individual Infrastructure Use Agreement. Costs allocated to future developers shall be reimbursed to the County as a condition of plot plan recordation or site plan approval, whichever applies.

D. The sewer infrastructure constructed in this process whether publicly or privately funded shall be legally and technically available to all property owners in said Area of the Unified Sanitary Sewer District. Availability of sewer service shall be as defined in the DNREC regulations governing the design, installation, and operation of on-site wastewater treatment and disposal systems.

Article XV. Connection of Scattered Parcels

§ 110-98. Authority of County Engineer.

The Engineer may grant connections to scattered parcels at the equivalent dwelling unit (EDU) density of the abutting property, but in no instance at an EDU density exceeding 12 EDUs per acre.

§ 110-99. Conditions for grant of connections.

4875 The connection for scattered parcels may be granted by the Engineer only upon a
4876 study and a written determination that the proposed connection will not overload
4877 the capacity of existing sewer system, taking into account the full development
4878 capacity of the other parcels within the area encompassed.

4879 **Article XVI. Sanitary Sewer and Water Districts**

4880 **§ 110-100. Absentee voting.**

4881 This Article shall provide that those qualified voters of a proposed sanitary sewer
4882 and/or water district established, or being established, pursuant to Chapter 65, Title
4883 9, of the Delaware Code, who shall be unable to appear to cast their ballots at the
4884 polling place at any such election may be able to cast such a ballot to be counted in
4885 the district, if such a privilege has been granted to them herein.

4886 **§ 110-101. Eligibility for voting by absentee ballot.**

4887 Any qualified voter of the sanitary sewer and/or water district may cast his vote by
4888 absentee ballot if he or she is unable to appear at the designated polling place or
4889 places due to the reasons stated in Delaware Code, Title 15 §5502.

4890 **§ 110-102. Affidavit required.**

4891 A. Any voter desiring to receive an absentee ballot because he qualifies under any
4892 of the reasons set forth in §5502 (4,5 or 6) shall file an affidavit with the Sussex
4893 County Engineering Department, subscribed and sworn to by him/her before an
4894 officer authorized by law to administer oaths. The affidavit shall be dated not
4895 more than 90 days prior to the day of the election. It shall state the reason why
4896 he or she cannot appear at the designated polling place on the day of the election,
4897 his or her birthdate, social security number and expected location, including
4898 address and telephone number (if available) to be used for the purpose of
4899 challenge on election day. The Engineering Department shall mail or deliver the
4900 official ballot, envelope and instructions to the voter as soon as possible after
4901 receiving the affidavit.

4902 B. Any voter desiring to receive an absentee ballot because he qualifies under any
4903 of the reasons set forth in § 5502 (1, 7 or 8) may execute an affidavit sworn to by
4904 the voter, under penalty of perjury, to be filed with the Sussex County
4905 Engineering Department. The affidavit shall be dated during the calendar year
4906 in which the election is to be held. It shall state the reason why he or she cannot
4907 appear at the designated polling place for the election on the day of the election,

his or her birthdate, social security number and expected location, including address and a telephone number (if available) to be used for the purpose of challenge on election day. The Sussex County Engineering Department may hold an affidavit dated more than 90 days prior to an election, until 90 days prior to the election, and shall mail the official ballot, envelopes and instructions to the voter as soon as possible thereafter.

§ 110-103. Distribution of ballots.

Distribution of ballots shall be according to Delaware Code, Title 15 §5504.

A. Upon receipt of a request from a voter Sussex County Engineering Department shall mail to the voter an official affidavit to confirm the voter qualifies for an absentee ballot.

B. If the voter qualifies the county shall mail to the voter the following:

1) An ABSENTEE BALLOT for the district in question;

2) Instructions for completing the absentee ballot and returning it to the County.

3) An envelope marked "ABSENTEE BALLOT ENCLOSED,"

§ 110-104. Form of affidavit.

A. Each affidavit submitted shall conform to the requirements of Delaware Code Title 15 §5503.

B. Any voter who receives an absentee ballot because he/she qualifies under Delaware Code § 5502 (1, 7 or 8) may subscribe to and swear a self-administered oath, under penalty of perjury, affirming that he/she was not solicited or advised to vote for or against the question presented.

§ 110-105. Form of absentee ballot.

Each absentee ballot shall be in substantially the following form:

For sanitary sewer/water district ☐

Against sanitary sewer/water district ☐

§ 110-106. Time limit for return.

4936 A. The absentee voter shall return his marked ballot to the Sussex County
4937 Engineering Department, before 12:00 noon of the day before the election, and
4938 any absentee ballot received by the Sussex County Engineering Department, after
4939 12:00 noon of the day before the election shall not be counted, but the
4940 Engineering Department, shall endorse on the ballot the time such was received
4941 and shall retain all such ballots for one year following the date of the election,
4942 and longer if directed to do so by Delaware Department of Election.

4943 B. The deadline for absentee ballot returns shall be noted on the official referendum
4944 notice required under Chapter 65, Title 9, of the Delaware Code.

4945 C. Affidavits may be sent via email at the discretion of the Engineer to meet time
4946 requirements. However, an executed original affidavit must be returned with the
4947 ballot. If voter is deemed ineligible to vote upon receipt of the affidavit the
4948 Engineering Department, shall endorse on the ballot the time such was received
4949 and shall retain all such ballots for one year following the date of the election,
4950 or longer if directed to do so by the Delaware Department of Election.

4951 **§ 110-107. Procedure by officials.**

4952 Upon receipt of the official envelope from the absentee voter, the Engineer, shall
4953 forthwith enclose the sealed ballot as received and unopened in a secure location
4954 and shall place his or her written signature on the official envelope, together with
4955 the date and time of receipt. The Engineer, or his designee, on the day of the election
4956 after closing of the polls, shall open the sealed ballots and shall record the vote of
4957 the absentee voter.

4958 **§ 110-108. Register of absentee voters.**

4959 The Engineer, shall cause to be provided a register of absentee voters. From the
4960 register, a list of names and addresses of all applicants for absentee ballots shall be
4961 compiled and shall be made available.

4962 **§ 110-109. Violations and penalties.**

4963 Whoever willfully files a false affidavit under the provisions of this Article shall be
4964 deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less
4965 than \$50 nor more than \$200 or imprisoned for a period of not more than 30 days,
4966 or both, and shall pay the costs of prosecution.

4967 **Article XVII. Septage Discharge**

4968
4969 **§ 110-110. Purpose.**

4970 Septage removed from any property located in Sussex County, Delaware, may be
4971 discharged at the Inland Bays Regional Wastewater Facility upon the terms and
4972 conditions set forth herein.

4973 **§ 110-111. Licensing and insurance requirements.**

4974 No user may discharge septage at a Facility until he has obtained a license from the
4975 Sussex County Engineering Department. The annual County licensing period is from
4976 July 1 through June 30. In order to obtain a license from the Sussex County
4977 Engineering Department, a person must provide the Engineering Department with
4978 the following:

4979 A. A State of Delaware Department of Natural Resources and Environmental
4980 Control (DNREC) permit issued to the user or a letter from DNREC which states
4981 that it will permit the user to haul septage for discharge at a Facility.

4982 B. A certificate of insurance verifying that user holds commercial general liability
4983 insurance in the minimum amount of \$1,000,000 combined single limit per
4984 occurrence.

4985 C. A certificate of insurance verifying that the user holds business auto liability
4986 insurance in the minimum amount of \$1,000,000 combined single limit per
4987 accident.

4988 D. A certificate of insurance verifying that the user holds worker's compensation
4989 and employer's liability insurance (if applicable) in the minimum amounts as
4990 follows: \$500,000 for each accident, \$500,000 for each employee for disease and
4991 a policy limit of \$500,000 for disease.

4992 E. A certificate of insurance verifying that the user holds such other insurance that
4993 may be required by state law, rule or regulation.

4994 F. State of Delaware business and waste hauler's licenses.

4995 **§ 110-112. Fees.**

4996 The County may assess each user an annual license fee and a self-supporting
4997 discharge rate per gallon as recommended by the Engineer and approved by County

4998 Council. The license fee and user rate shall be set during the annual Sussex County
4999 Budget process

5000 **§ 110-113. Discharge limitations.**

5001 The County may, by rules promulgated by the Engineer and posted at a Facility,
5002 regulate the following in connection with the discharge at a Facility:

5003 A. The amount of septage a user may discharge per discharge and per season.

5004 B. The hours during which a Facility will accept discharge from a user.

5005 C. The strength and toxicity of septage discharged by a user.

5006 **§ 110-114. Holding tank permit.**

5007 No septage obtained from a holding tank may be discharged at a Facility unless a
5008 holding tank permit has been issued by the Sussex County Engineering Department
5009 for the holding tank that is the source of the septage to be discharged at the Facility.
5010 A fee shall be assessed for the issuance of a holding tank permit in an amount to be
5011 determined by the County and set during the annual Sussex County Budget process.

5012 **Article XVIII. Private Central Wastewater Systems**

5013 **§ 110-115. Purpose.**

5014 In accordance with Title 26 of the Delaware Code, the State of Delaware Public
5015 Service Commission is authorized to issue certificates of public convenience and
5016 necessity (CPCN) for the construction and operation of privately owned and
5017 operated central sewer systems within the State.

5018 The County plans, designs, finances and constructs sewer systems within the Unified
5019 Sanitary Sewer District. As part of this process, the County established five tier
5020 sewer service areas designating how certain parts of the County shall or can be
5021 served in the future depending on their tier area designation. Tier areas are utilized
5022 by the County to adequately plan, design, finance and construct the publicly owned
5023 sewer system. This Article is intended to provide a method for coordination with
5024 regulated private and/or municipal wastewater utilities.

5025 **§ 110-116. Prohibition within County sewer districts.**

No private community wastewater system shall be permitted within a Tier 1 or Tier 2 Service Area and therefore no Certificates of Public Convenience and Necessity can be obtained in these areas.

§ 110-117. Approval required.

Certificates of public convenience and necessity can be obtained within a Tier 3 Service Area with prior approval of the Engineer as hereinafter provided.

A. Applicants seeking to obtain approval of an application for a certificate of public convenience and necessity within a Tier 3 Service Area must coordinate the request with and obtain prior approval from the Engineer before submitting an application to the Public Service Commission. The request shall include the following:

1) Address and location of the proposed private central wastewater system, including Tax Map and Parcel Number(s) where the treatment and disposal system will be located or the off-site regional treatment and disposal system to be utilized to serve the proposed CPCN.

2) List of the property or properties by Tax Map and Parcel Number to be served by the proposed CPCN.

§ 110-118. Review of request.

After obtaining all required information, and no later than 45 days after a request has been made, the Engineer shall approve the request for a CPCN within a Tier 3 Service Area in writing if it is determined that each of the following criteria have been favorably addressed:

A. Sussex County will not reasonably be able to provide sewer service to the property within five years from the date the application is filed; and

B. Sussex County has not performed a planning study that the applicant could use to implement the extension of a transmission pipeline system to connect the development to existing County infrastructure; and

C. The system will not adversely affect Sussex County's ability to provide future sewer service to other properties in the area, including, but not limited to, other existing developments, individual properties or structures; and

5056 D. The system, if serving more than one property, will not interfere with the
5057 County's ability to construct future pipelines and/or mains within private or
5058 public rights-of-way or other areas as may be necessary; and

5059 E. The system will be constructed in such a manner that it could be
5060 interconnected with the County sanitary sewer system if the County sanitary
5061 sewer system becomes available; and

5062 F. The construction of the system does not adversely affect existing, designed or
5063 funded County sewer infrastructure, including, but not limited to, pipelines
5064 and/or mains sized to accommodate the property that is the subject of the
5065 application, pump stations sized to accommodate the property that is the
5066 subject of the application, treatment and disposal methods that have been or
5067 will be acquired to accommodate the treated wastewater.

5068 **§ 110-119. Appeal of Engineer's decision.**

5069 A. In the event the CPCN request is denied by the Engineer or the county wide
5070 five-tier sewer service preference map issued by the Engineer is challenged,
5071 the applicant may take an appeal to County Council by filing a notice of
5072 appeal with County Council and stating the grounds therefor within 30 days
5073 after the Engineer's decision.

5074 B. County Council shall fix a date and time for a public hearing on the appeal,
5075 and give notice thereof by certified mail to the owner of the property that is
5076 the subject of the application, the applicant (if different from the owner), and
5077 the operator of the system, and by posting said notice conspicuously at the
5078 place to be served by the system. Such notice shall be given not less than 10
5079 days before the date of the public hearing.

5080 C. The Engineer shall transmit to the County Council all papers and documents
5081 which constitute the record of the decision appealed. County Council shall
5082 conduct a hearing and consider all evidence presented from any party,
5083 including the party taking the appeal, the Engineer, the public or any other
5084 interested party, and may thereafter reverse or affirm the decision appealed.

5085 D. The information considered by County Council shall be limited to the
5086 application for approval of a CPCN within a Tier 3 Service Area and the
5087 criteria set forth in this Article.

5088 **§ 110-120. Notification required.**

Certificates of public convenience and necessity can be obtained within a Tier 4 Area with prior notification as hereinafter provided.

A. Applicants seeking to obtain the approval of the County for a CPCN within a Tier 4 Service Area must notify the Engineering Department in writing before submitting an application to the Public Service Commission. The notification shall include the following:

1) Address and location of the proposed private central wastewater system, including Tax Map and Parcel Number(s) where the treatment and disposal system will be located or the off-site regional treatment and disposal system to be utilized to serve the proposed certificate of public convenience and necessity.

2) List of the property or properties by Tax Map and Parcel Number to be served by the proposed certificate of public convenience and necessity.

§ 110-121. Effect on existing certificates of public convenience and necessity.

Article XVIII shall neither apply to any private central wastewater system for which a DNREC operational permit has been issued nor shall it apply to any property for which a CPCN has previously been granted by the Public Service Commission prior to January 1, 2018.

Article XIX. Revision of Sewer & Water District Boundaries

§ 110-122. Application and fee.

Any person, firm or corporation applying to the Sussex County Engineering Department for the revision of a sanitary or water area boundary without election pursuant to 9 Del. C. § 6502 shall be required to pay such an amount required to defray the administrative cost of the process of that request. This fee shall be set during the annual Sussex County Budget process.

§ 110-123. Payment of fee and refund.

The district boundary extension fee shall be paid in advance by the person, firm or corporation requesting the revision to the sewer or water district area without election. Such fee may be refunded on request, if the application is withdrawn on or before preparation of notices and advertising required by 9 Del. C. § 6502.

5119 **§ 110-124. Sewer district extension requirements.**

5120 Unless waived at the discretion of the Engineer, all requests to extend boundaries of
5121 the Unified Sanitary Sewer District shall require preparation of Sewer Service
5122 Concept Evaluation (SSCE) by the Utility Planning Division. Costs for the
5123 preparation of the SSCE are set by County Council as part of the annual budget
5124 process. The SSCE shall include, at a minimum, a hydraulic analysis of the impact
5125 of the creation, extension or modification, over the next five years, for the following
5126 items:

- 5127
- 5128 A. The pump station and/or gravity sewer collection system servicing the
5129 proposed area extension of the Unified Sanitary Sewer District, and all
5130 systems associated therewith.
- 5131
- 5132 B. All pumping stations, transmission mains, gravity-flow collection systems and
5133 associated pipelines downstream of the pumping station or gravity-flow
5134 collection system servicing the proposed area extension of the Unified
5135 Sanitary Sewer District.
- 5136
- 5137 C. Any other potentially adverse flow or pumping conditions which may be
5138 encountered as a direct result of the proposed extension.
- 5139
- 5140 D. The findings of the SSCE are valid for five years from the date of issuance. If
5141 no physical sanitary sewer improvements or direct financial contributions to
5142 the County financed project(s) have occurred within the five-year period, then
5143 the SSCE shall be deemed null and void.

5144 **§ 110-125. Sewer service tier system and map adoption.**

- 5145 A. A five-tier sewer service preference system shall be established. Sewer
5146 service to a parcel or project shall be planned and designed according to
5147 the applicable tier level.
- 5148 B. After 30 days notice, the County Engineer shall adopt and/or amend as
5149 necessary a county wide five-tier sewer service preference map. A party
5150 with standing may appeal the amended map in accordance with § 110-119.

5151 **§ 110-126. Tier descriptions.**

- 5152
- 5153 A. Tier 1, Unified Sanitary Sewer District:

Areas where sewer service is currently provided by the County through the statutory authority granted to the County by Delaware Code. This may include serving specific users through contractual agreement. The County has invested monies in infrastructure and planning to provide service to these areas and all future development shall be served by the County.

B. Tier 2, Sewer Planning Area:

- 1) Any parcel or parcels immediately adjacent to the Unified Sanitary Sewer District Areas capable of annexation following the procedures set forth in Delaware Code.
- 2) Areas where the County has invested in monies to plan for future development and growth. These are areas designated as developing areas or areas with a significant amount of existing development in need of wastewater service and/or on-site septic elimination.

C. Tier 3, CPCN Coordination Area:

- 1) Areas where multiple existing CPCNs have been issued to regulated private utilities in addition to areas already served by the County requiring coordination between County and private utilities to optimize the use of existing sewer transmission infrastructure and treatment facilities. Any new CPCNs shall require a concurrence letter by the Engineer.
- 2) Areas where the County may enter into and/or require contractual agreements between the private utilities and the County or possibly between different private utilities.

Tier 4, Sewer System Optional Area

- 1) Areas where a central public sewer utility is desired for future development, however individual on-site systems will be permitted.
- 2) Areas where primary central sewer service is provided by private utilities under newly issued CPCN's with written notification of application to the Engineer.

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Tier 5, Regulated on-site Sewer Disposal area

- 1) Previously sub-divided parcels where DNREC-approved individually owned on-site disposal systems may be installed.

- 2) Areas where the environmental benefit of centralized sewer does not out-weigh the cost to construct new public sewer service. However, DNREC approved individually owned on-site systems or central sewer systems exclusively served by private utilities with private funding may be permitted.

Section 3. Effective Date.

This Ordinance shall take effect on _____.

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountye.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson Jr.
The Honorable I.G. Burton III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E., County Engineer

RE: ***Milton Library, Bulkhead Replacement & Foundation Repair
Contract Award***

DATE: May 22, 2018

As you may recall, portions of the southerly exterior wall show both vertical settlement and lateral displacement at the Milton Library. The settlement resulted in numerous exterior cracks and open joints. The Engineering Department authorized a report by Davis, Bowen & Friedel, Inc. Conclusion #7 of this report states, "The stability of the block wall is not an immediate concern, but further deterioration of the bulkhead may jeopardize the wall foundation." The root cause of the problem is a compromised bulkhead losing soil during high tide cycles. In the meantime, the Engineering Department implemented monitoring of certain metrics, as recommended by the structural consultant.

On June 13, 2017 Council approved the structural engineering Contract Amendment No.1 to the Davis, Bowen & Friedel, Inc. base contract for the design of the Milton Library foundation repairs. The project scope was vetted over a series of meetings with County stakeholders and the structural engineers. The final design was submitted for DNREC and U.S. Corps of Engineers permitting.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and sent to several specialty and marine contractors. The project received some interest and participation, with three (3) companies attending the pre-bid meeting, and one addendum being issued.

On April 27, 2018, two (2) bids were received ranging from \$460,000, submitted by JJID, Inc. to \$770,000, submitted by Kuhn Construction Company, with an Engineer's estimate of \$350,000.



The bid allowed for a land access based bid alternate. However, the offered deduct of \$5,000 is significantly less than the additional expense, coordination and risk incurred by the County. The Engineering Department approached the apparent low bidder for value engineering suggestions. JJID suggested substituting a thicker NZ26 uncoated sheet pile section in lieu of the designed A690 PZ27 thinner galvanized and coal tar coated section. The manufacture's calculations show this product's corrosive superiority.

Based on this product change, JJID, Inc. offers a credit change order no.1 in the amount of <\$120,000> for a revised base bid value of **\$340,000**. In exchange, the County would assume the permitting and implementation of a two-day detour of Union Street to mobilize and demobilize the barge. All other specifications and work as defined in the contract documents remain in effect. The bid sets up a couple of unit price alternates which may come into play if underwater obstructions are encountered.

The Engineering Department recommends the following: award of the base bid to JJID, Inc. in the amount of \$460,000; decline of the bid alternate 4; and deduct and accept JJID's change order proposal no.1, in the amount of <\$120,000>, contingent upon receiving a DelDOT detour permit with Town of Milton cooperation. Partial funding for this project is included in the in the FY 18 budget with the remaining funds included in the FY 19 proposed Budget.

BID FORM
MILTON PUBLIC LIBRARY BULKHEAD REPLACEMENT
CONTRACT NO. 18-09

Proposal of J.J.I.D., Inc (hereafter called "BIDDER"), organized and existing under the laws of the State of Delaware doing business as J.J.I.D., Inc *. To the Sussex County (hereinafter called "OWNER").

In compliance with the Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the Milton Public Library Bulkhead Replacement, Sussex County Project No. 18-09, in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this Contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within 90 consecutive calendar days thereafter. BIDDER further agrees to pay as liquidated damages, \$500.00 per calendar day as defined in the Supplementary Conditions.

BIDDER acknowledges receipt of the following ADDENDUM:

#1 Addendum 4/10/18

Total Base Bid Four Hundred Sixty Thousand Dollars and 00 Cents
\$ 460,000.00

Contingencies:

1. Additional PZ-27 Cantilevered Sheetpile Bulkhead: \$ 80.00 / SF
2. Additional Pressure Grouting Below Slab in Excess of 5 CY: \$ 1000.00 /CY
3. Debris Removal Including Backhoe With Extended Reach: \$ 450.00 /Crew Hr
4. Deduct for Land Mobilization Includes Removal of Tree: \$ < 5,000.00 >
5. Bid Shall Include an Allowance for Reconstructing Roof Corner: \$2,500.00

The contingencies listed above shall include all labor, materials, equipment and all incidentals necessary to construct and reconstruct bulkhead, pressure grouting, debris removal, removal and reconstruction of low roof corner in kind, crane mats & plates, protection of rain garden, removal of large tree and stump, removal and replacement of anchor & small tree, protection of property and restoration of property including landscaped and paved areas.

BIDDER PLEASE NOTE:

Sussex County reserves the right to accept or reject any or all bids. The County may further delete some or all portions of any bid item shown below and described in the contract documents, as is in the County's best interest. Deletion of a particular bid item or items shall not affect the Bidders adjusted, reduced bid amount. Bidder shall not assert that additional costs are warranted due to lost profits caused by elimination or reduction of any bid item. Award will be made to the responsible and responsive BIDDER with the lowest total adjusted bid.

The TOTAL BID shall be defined as the sum of the Total Base Bid, as adjusted by the County.

By submission of this BID, BIDDER certifies that he comprehends the bidding requirements set forth herein and is thoroughly familiar with the Contract Documents. Bidder further certifies that he comprehends that acceptance of alternate bid items could allow a bidder, other than the lowest base bidder to be awarded the contract.

Upon receipt of written notice of the acceptance of this bid, bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by the Information to Bidders. The bid security attached in the sum of 10% of the total Project Bid is to become the property of the Owner in the event the contract and bonds are not executed within the time above set forth, as liquidated damages for the delay and additional time expense to the Owner caused thereby.

SUBCONTRACTOR LIST

The following sub-contractor listing must accompany the bid submittal. The name and address of the sub-contractor must be listed for each category where the bidder intends to use a sub-contractor to perform that category of work. In order to provide full disclosure and acceptance of the bid by the *Owner*, it is required that bidders list themselves as being the sub-contractor for all categories where he/she is qualified and intends to perform such work.

<u>Category</u>	<u>Subcontractor</u>	<u>Address (City & State)</u>
1. Helical Piles	<u>Breslin Contracting, Inc.</u>	<u>New Castle, DE</u>
2. Pressure Grouting	<u>JJID, Inc.</u>	<u>Bear, DE</u>

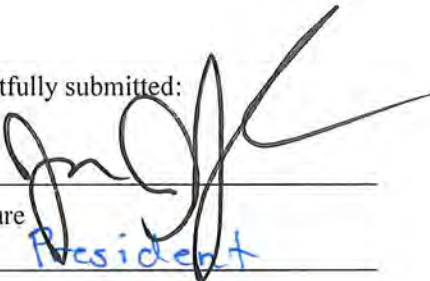
Respectfully submitted:

Signature

Title

License number (If applicable)

SEAL - (if bid is by a corporation)


President
1995111092

Address

Date

100 Julian Lane
Bear, DE 19701
4/27/18

END OF SECTION

BID BOND
MILTON PUBLIC LIBRARY
CONTRACT NO. 18-09

TO ACCOMPANY PROPOSAL
(Not necessary if security is used)

KNOW ALL MEN BY THESE PRESENTS That: JJID, Inc.

of Bear in the County of New Castle
and State of Delaware as Principal, and Hartford Casualty Insurance Company
of Hartford in the County of Hartford
and State of Connecticut as Surety, legally authorized to do business in the State of Delaware
("State"), are held and firmly unto Sussex County in the sum of Ten Percent of Amount Bid -
Dollars (\$ 10%), or - percent not to
exceed - Dollars (\$ -)
of amount of bid on Milton Public Library, Sussex County Project No. 18-09 to be paid to **Sussex County Council** for the use and benefit of Sussex County Council for which payment well and truly to be made, we do bind ourselves, our and each of our heirs, executors, administrators, and successors, jointly and severally for and in the whole firmly by these presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bonded **Principal** who has submitted to the Sussex County a certain proposal to enter into this contract for the furnishing of certain material and/or services within the **County**, shall be awarded this Contract, and if said **Principal** shall well and truly enter into and execute this Contract as may be required by the terms of this Contract and approved by Sussex County this Contract to be entered into within twenty days after the date of official notice of the award thereof in accordance with the terms of said proposal, then this obligation shall be void or else to be and remain in full force and virtue.

Sealed with corporate seal and dated this 27th day of April in the year of our Lord two thousand and eighteen (2018).

SEALED, AND DELIVERED IN THE
Presence of

JJID, Inc.

Name of Bidder (Organization)

Corporate
Seal

By:

Authorized Signature

Attest

Susan E. Kenham

President

Title

Hartford Casualty Insurance Company

Name of Surety

Witness:

Michelle McGinn
Michelle McGinn, Witness

By:

Steven Raffuel
Steven Raffuel, Attorney-in-Fact

Title

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-12

One Hartford Plaza

Hartford, Connecticut 06155

Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 13-653536

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☒ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
☒ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited :**

Steven Raffuel of PRINCETON, New Jersey

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons; guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray

John Gray, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT

} ss. Hartford

COUNTY OF HARTFORD

On this 11th day of January, 2016, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Nora M. Stranko

Nora M. Stranko
Notary Public

My Commission Expires March 31, 2018

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of April 27, 2018

Signed and sealed at the City of Hartford.



Kevin Heckman

Kevin Heckman, Assistant Vice President

HARTFORD CASUALTY INSURANCE COMPANY

Indianapolis, Indiana

Financial Statement, December 31, 2016

Statutory Basis

ASSETS

U.S. Government Bonds	\$ 77,273,044
Bonds of Other Governments	28,285,049
State, County Municipal	
Miscellaneous Bonds	1,753,453,084
Stocks	2,166,053
Short Term Investments	64,014,137
	<u>\$ 1,925,191,367</u>
Real Estate	\$ 0
Cash	14,606,203
Agents' Balances (Under 90 Day)	32,251,618
Other Invested Assets	2,035,003
Miscellaneous	293,073,610
Total Admitted Assets	<u>\$ 2,267,157,801</u>

LIABILITIES

Reserve for Claims	\$
and Claim Expense	1,065,657,440
Reserve for Unearned Premiums	281,391,521
Reserve for Taxes, License	0
and Fees	7,680,897
Miscellaneous Liabilities	18,391,992
Total Liabilities	<u>\$ 1,373,121,850</u>
Capital Paid In	\$ 4,800,000
Surplus	<u>889,235,951</u>
Surplus as regards Policyholders	<u>\$ 894,035,951</u>
Total Liabilities, Capital	
and Surplus	<u>\$ 2,267,157,801</u>

STATE OF CONNECTICUT

COUNTY OF HARTFORD

CITY OF HARTFORD

} ss.

Michael R. Hazel, Vice President and Controller, and Allen R. Craig, Assistant Secretary of the Hartford Casualty Insurance Company, being duly sworn, each deposes and say that the foregoing is a true and correct statement of the said company's financial condition as of December 31, 2016.

Subscribed and sworn to before me
this 19th day of April, 2017.

Laurie Hansen

Notary Public

LAURIE HANSEN
NOTARY PUBLIC
State of Connecticut
My Commission Expires
December 31, 2018

Michael R. Hazel
Vice President and Controller

Allen R. Craig
Assistant Secretary

FOR USE BY CONTRACTOR AND SUBCONTRACTORS LISTED ON BID FORM

(Contractor may make additional copies for subcontractors, if a sufficient number of forms are not included with this Bid Document Package.)

AFFIDAVIT

OF

EMPLOYEE DRUG TESTING PROGRAM

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects requires that Contractors and Subcontractors implement a program of mandatory drug testing for Employees who work on Large Public Works Contracts funded all or in part with public funds.

We hereby certify that we have in place or will implement during the entire term of the contract, **MILTON LIBRARY BULKHEAD REPLACEMENT**, Contract No. 18-09, a Mandatory Drug Testing Program for our employees on the jobsite that complies with this regulation:

Contractor/Subcontractor Name:

J.I.I.D. Inc

Contractor/Subcontractor Address:

100 Julian Lane

Bear, DE 19701

Authorized Representative (typed or printed):

James J. Julian

Authorized Representative (signature):

Title:

President

Sworn to and Subscribed before me this 27th day April

My Commission expires 09-14-20

Susan E. Trentham
NOTARY PUBLIC



A SEPARATE SIGNED, NOTARIZED FORM MUST BE SUBMITTED WITH THE BID FOR THE CONTRACTOR AND EACH SUBCONTRACTOR LISTED ON THE BID FORM.

NON-COLLUSION STATEMENT

Date: 4/27/18

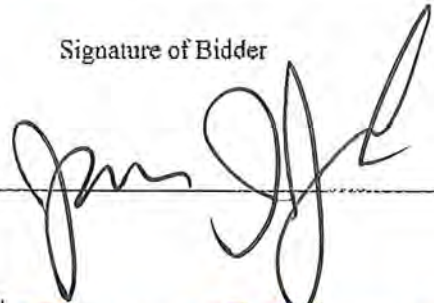
Sussex County Council
2 The Circle
Council Chambers
Georgetown, DE 19947

Gentlemen:

This is to certify that the undersigned Bidder, J.J.I.D. Inc has not, either directly or indirectly, entered into any agreement, participated in any competitive bidding in connection with this proposal submitted to the Sussex County, and shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented in the U.S. Department of Labor Regulations (29 C.F.R., Part 3) on the 27 day of April, 20 18, for Sussex County Project No. 18-09 entitled "Milton Public Library Bulkhead Replacement."

CORPORATE SEAL

Signature of Bidder



BY:

James J. Julian
President

Attest:

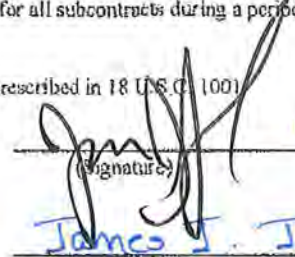

Asst. SecretarySworn and subscribed before me this 27 day of April, 20 18.My commission expires 09-14-20.

NON-COLLUSION STATEMENT

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR
CERTIFICATIONS OF NON-SEGREGATED FACILITIES**

A certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$ 10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.


(Signature) 4/27/18
(Date)
James J. Julian
(Name and Title of Signer - Please Type)

COMPLIANCE STATEMENT

This statement relates to a proposed contract with

T.J.I.D. Inc

(Name of borrower or grantee)

who expects to finance the contract with assistance from either the Delaware Water Pollution Control Revolving Fund or Delaware 21st Century Fund (whether by a loan, grant, loan insurance, guarantee, or other form of financial assistance). I am the undersigned bidder or prospective contractor, I represent that:

1. ☐ I have, ☐ have not, participated in a previous contract or subcontract subject to Executive Order 11246 (regarding equal employment opportunity) or a preceding similar Executive Order.
2. If I have participated in such a contract or subcontract, ☐ I have, ☐ have not, filed all compliance reports that have been required to file in connection with the contract or subcontract.
- If the proposed contract is for \$50,000 or more and I have 50 or more employees, I also represent that:
3. ☐ I have, ☐ have not previously had contracts subject to the written affirmative action programs requirements of the Secretary of Labor.
4. If I have participated in such a contract or subcontract, ☐ I have, ☐ have not developed and placed on file at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor.

I understand that if I have failed to file any compliance reports that have been required of me, I am not eligible and will not be eligible to have my bid considered or to enter into the proposed contract unless and until I make an arrangement regarding such reports that is satisfactory to either the DNR&C, or to the office where the reports are required to be filed.

I also certify that I do not maintain or provide for my employees any segregated facilities at any of my establishments, and that I do not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I certify further that I will not maintain or provide for my employees any segregated facilities at any of my establishments, and that I will not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I agree that a breach of this certification is a violation of the Equal Opportunity clause in my contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. I further agree that (except where I have obtained identical certifications for proposed subcontractors for specific time periods) I will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that I will retain such certifications in my files; and that I will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

James J. Julian
 (Name(s) and Title(s) of Authorized Representative(s))

[Signature]
 (Signature)

4/27/18
 (Date)

Form AD-1047 (1/92)

BID FORM
MILTON PUBLIC LIBRARY BULKHEAD REPLACEMENT
CONTRACT NO. 18-09

Proposal of KUH Construction Co. (hereafter called "BIDDER"), organized and existing under the laws of the State of DELAWARE doing business as KUH Const. Co. * To the Sussex County (hereinafter called "OWNER").

In compliance with the Advertisement for Bids, BIDDER hereby proposes to perform all WORK for the Milton Public Library Bulkhead Replacement, Sussex County Project No. 18-09, in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this Contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within 90 consecutive calendar days thereafter. BIDDER further agrees to pay as liquidated damages, \$500.00 per calendar day as defined in the Supplementary Conditions.

BIDDER acknowledges receipt of the following ADDENDUM:

1

Total Base Bid SEVEN HUNDRED SEVENTY THOUSAND Dollars and ZERO Cents
\$ 770,000⁰⁰

Contingencies:

1. Additional PZ-27 Cantilevered Sheetpile Bulkhead: \$ 150⁰⁰ / SF
2. Additional Pressure Grouting Below Slab in Excess of 5 CY: \$ 400⁰⁰ /CY
3. Debris Removal Including Backhoe With Extended Reach: \$ 750⁰⁰ /Crew Hr
4. Deduct for Land Mobilization Includes Removal of Tree: \$ 0⁰⁰
5. Bid Shall Include an Allowance for Reconstructing Roof Corner: \$2,500.00

The contingencies listed above shall include all labor, materials, equipment and all incidentals necessary to construct and reconstruct bulkhead, pressure grouting, debris removal, removal and reconstruction of low roof corner in kind, crane mats & plates, protection of rain garden, removal of large tree and stump, removal and replacement of anchor & small tree, protection of property and restoration of property including landscaped and paved areas.

BIDDER PLEASE NOTE:

Sussex County reserves the right to accept or reject any or all bids. The County may further delete some or all portions of any bid item shown below and described in the contract documents, as is in the County's best interest. Deletion of a particular bid item or items shall not affect the Bidders adjusted, reduced bid amount. Bidder shall not assert that additional costs are warranted due to lost profits caused by elimination or reduction of any bid item. Award will be made to the responsible and responsive BIDDER with the lowest total adjusted bid.

The TOTAL BID shall be defined as the sum of the Total Base Bid, as adjusted by the County.

By submission of this BID, BIDDER certifies that he comprehends the bidding requirements set forth herein and is thoroughly familiar with the Contract Documents. Bidder further certifies that he comprehends that acceptance of alternate bid items could allow a bidder, other than the lowest base bidder to be awarded the contract.

Upon receipt of written notice of the acceptance of this bid, bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by the Information to Bidders. The bid security attached in the sum of 10% of the total Project Bid is to become the property of the Owner in the event the contract and bonds are not executed within the time above set forth, as liquidated damages for the delay and additional time expense to the Owner caused thereby.

SUBCONTRACTOR LIST

The following sub-contractor listing must accompany the bid submittal. The name and address of the sub-contractor must be listed for each category where the bidder intends to use a sub-contractor to perform that category of work. In order to provide full disclosure and acceptance of the bid by the *Owner*, it is required that bidders list themselves as being the sub-contractor for all categories where he/she is qualified and intends to perform such work.

<u>Category</u>	<u>Subcontractor</u>	<u>Address (City & State)</u>
1. Helical Piles	<u>BRESLIN CONTRACTING</u>	<u>NEW CASTLE, DE</u>
2. Pressure Grouting	<u>EARTHCORE SERVICES</u>	<u>POTTSTOWN, PA</u>

Respectfully submitted:

William J. Kahn
Signature
PRESIDENT

Title
1989012293

License number (If applicable)

PO BOX 1419, HOCKESSIN, DE
Address
4/27/20
Date

SEAL - (if bid is by a corporation)

END OF SECTION

TO ACCOMPANY PROPOSAL
(Not necessary if security is used)

1 of 1

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7944164

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Jonathan F. Black; Stephanie S. Helmig; Joyce M. Houghton; Matthew J. Rosenberg; Denise M. Bruno; Julia R. Burnet; Elizabeth P. Cervini; Sherri L. Feeney; Christine M. Hrusovsky; David A. Johnson; Harry C. Rosenberg; David C. Rosenberg

all of the city of King of Prussia, state of PA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 21st day of November, 2017.



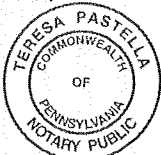
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 21st day of November, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 27th day of April, 20 18.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

To confirm the validity of this Power of Attorney call
1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Not valid for mortgage, note, loan, letter of credit,
currency rate, interest rate or residual value guarantees.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Seaford District Library

PROJECT NAME: Library Cameras

FEDERAL TAX ID: 51-0101879

NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: We partner with the community to provide resources for individual and community development and success.

ADDRESS: 600 North Market Street, Ext.

Seaford
(CITY)

Delaware
(STATE)

19973
(ZIP)

CONTACT PERSON: Jerry Keiser

TITLE: Director

PHONE: 629-2524

EMAIL: jerry.keiser@lib.de.us

TOTAL FUNDING REQUEST: \$2500.00

Has your organization received other grant funds from Sussex County Government in the last year? ☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$253,217

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? ☒ YES ☐ NO

Are you seeking other sources of funding other than Sussex County Council? ☐ YES ☒ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 100%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☒ Infrastructure¹

- ☒ Health and Human Services
☒ Other Library

- ☒ Cultural
☒ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons
☐ Minority

- ☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☐ Other Library Users

- ☐ Homeless
☐ Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
10,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

As our library mission statement indicates the library partners with different groups and other nonprofits to share resources and develop the library as a sense of community space. The GED program with the Adult Education Center has been one of the most successful partnership that the library has been a part. The personal, community and economic benefit to the Seaford Community has been noteworthy.

However, there has been issues with the lab and the study rooms. The lab requires cameras so that staff can be free of proctoring in the room and can work on other tasks. The study rooms that are used for tutoring and quiet study had instances of illegal drug use.

The library has been at the forefront of facilitating programs that help and enhance the community of Seaford. We are requesting \$2500.00 for the installation of security cameras in the GED lab and study rooms to enable the learning process and protect library users from being exposed to illegal and dangerous drugs in the library.

- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Cameras and installation	(\$2500.00)
TOTAL EXPENDITURES	0
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	0

SECTION 5: STATEMENT OF ASSURANCES

<p>If this grant application is awarded funding, the <u>Seaford District Library</u> agrees that:</p> <p style="text-align: center;">(Name of Organization)</p>	
<ol style="list-style-type: none"> 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs. 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released. 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds. 	

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Applicant/Authorized Official

May 11, 2018

Date

Witness

May 11, 2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

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SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Applicant/Authorized Official

Witness

Title

Date

May 11, 2018
5/11/18

Vincent
5-14-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Greenwood Police Department

PROJECT NAME: 2018 National Night Out

FEDERAL TAX ID: 510107189 NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: It is the mission of the Greenwood Police Department, by performing its law enforcement function in a professional, high quality and effective manner, to protect the rights of all citizens to be free of criminal attack, to be secure in their possessions and to live in peace.

ADDRESS: 100 West Market Street

P.O. Box 208

Greenwood DE 19950

(CITY) (STATE) (ZIP)

CONTACT PERSON: Shelley Lambden

TITLE: Accreditation Manager

PHONE: 302-349-4822 EMAIL: shelley.lambden@cj.state.de.us

TOTAL FUNDING REQUEST: \$1,000.00

Has your organization received other grant funds from Sussex County Government in the last year? ☐ YES ☒ NO

If YES, how much was received in the last 12 months? _____

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? ☐ YES ☐ NO

Are you seeking other sources of funding other than Sussex County Council? ☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 25%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>Community Awareness</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>All Greenwood Residents</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
+/- 400 people

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Night Out is an event that promotes a night out against crime in the community. The Greenwood Police Department provides a free night of entertainment, activities, educational demonstrations, and food for the community to allow the officers and residents to interact in an environment that is more comfortable for the attendees, specifically the youth of the community.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Operating Costs	-\$ 4,000.00
*Total deficit: \$3,500.00	
TOTAL EXPENDITURES	\$ 4,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 4,500.00

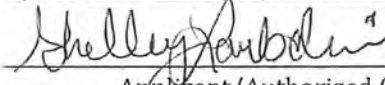
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Greenwood Police Department agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

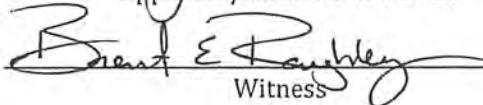
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official

05/10/2018

Date



Witness

05/10/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947



SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

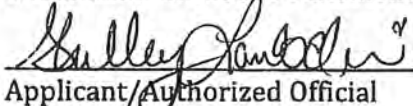
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

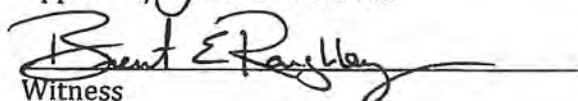
For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

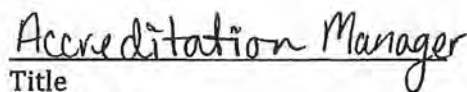
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

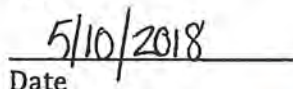
In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.


Applicant/Authorized Official


Witness


Title


Date

Wilson
5-10-18

To Be Introduced 05/22/18

Council District No. 3 - Burton

Tax I.D. No. 335-8.18-28.00

911 Address: 1500 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3673 ACRE, MORE OR LESS

WHEREAS, on the 8th day of May 2018, a zoning application, denominated Change of Zone No. 1857, was filed on behalf of Elisabeth Ann Burkhardt.; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1857 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Savannah Road and Woodland Avenue, and being more particularly described in the attached legal description prepared by Gary Altman, Esq., said parcel containing 0.3673 acre, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date April 26, 2018

Application: CU 2125 RS Cordrey Farms, LLC.

Applicant/Owner: RS Cordrey Farms, LLC.
P.O. Box 486
Millsboro, DE 19966

Site Location: Northeast side of Cordrey Rd., approximately 0.3 miles southeast of Mount Joy Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Landscaping business, sale and storage (Extension of CU 1242)

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Cole

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Private On Site

Water: Private On Site

Site Area: 10 ac. +/-

Tax Map ID.: 234-28.00-59.00 & 60.00



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 17, 2018

RE: County Council Report for CU 2125 RS Cordrey Farms, LLC

The Planning and Zoning Department received an application (CU 2125 RS Cordrey Farms, LLC) to allow for a landscaping business, sale and storage (extension of CU 1242) to be located on Cordrey Rd. The Planning and Zoning Commission held a public hearing on April 26, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, comments from the Sussex Conservation District, staff analysis and a site plan.

The Commission found James Fuqua, Attorney with Fuqua, Willard, Stevens, and Schab, was present on behalf of the application; that Mr. Fuqua stated this is a request to use a 10 acre parcel for sales and storage related to a landscaping business and nursery; that the business already exists and this would be an extension to Conditional Use #1242; that across the street from the 10 acres is the landscaping business; that the use is to be an extension for additional storage; that the properties are zoned AR-1; that most uses are permitted and the conditional use will address the products not grown on the site; that the Conditional Use was approved in 1998 and has grown; that over time the business has grown and the demand has grown; that they have over 100 employees; that the expansion of the Conditional Use on the 16 acres to the 10 acres site will be the same type of activity; that there were no conditions with the original Conditional Use and would like no new conditions to avoid any issues; that the Cordrey's own the surrounding lands; that this is needed and desirable; and that they will keep as is but across the street.

The Commission found that no one spoke in favor or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of May 10, 2018, the Planning Commission discussed the application which has been deferred since April 26, 2018.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

The Planning Commission discussed the application which has been deferred since April 26, 2018.

Mr. Hopkins moved that the Commission recommend approval of CU #2125 for RS Cordrey Farms, LLC for a landscape business, sale and storage (extension of Conditional Use No. 1242) based upon the record made during the public hearing and for the following reasons:

1. This is a 10 acre expansion of CU # 1242, which is the applicant's landscaping business located on 16 acres on the opposite side of Cordrey Road. The landscaping business has been in business for approximately 20 years at this location.
2. The proposed expansion is on land owned by the applicant, and is surrounded by other large tracts of land owned by the applicant.
3. This Conditional Use will allow the reasonable expansion of the applicant's existing business at an appropriate location for it.
4. The current landscaping business, like the expansion, is very much compatible with the underlying AR-1 Agricultural Residential zoning of expansion.
5. The applicant is not seeking any additional signage for this expansion.
6. The use will not adversely affect neighboring properties or area roadways.
7. Since there were no conditions imposed as part of Conditional Use # 1242, there are not any recommended conditions imposed as part of this expansion of that original approval. However, the expansion area covered by this Conditional Use #2125 shall be subject to Final Site Plan approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 18, 2018
RE: Staff Analysis for CU 2125 RS Cordrey Farms, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2125 RS Cordrey Farms, LLC to be reviewed during the April 26, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 234-28.00-59.00 & 60.00 to allow for landscaping business, sale and storage (extension of CU 1242) to be located on Cordrey Rd. The size of the property is 10.0 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Low Density Areas.

The surrounding land use to the north, south, east and west are Low Density Areas. There are some Mixed Residential Areas lands further to the northeast, northwest, and southeast. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). Further to the northwest, northwest and south are some GR (General Residential District) zoned parcels. There are no known Conditional Uses in the area. There is an existing Conditional Use for the parcel (CU 1242).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for landscaping business, sale and storage (extension of CU 1242) would be considered consistent with the land use, area zoning and uses.





Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts

- County District 01

- County District 02

- County District 03

- County District 04

- County District 05

- County Boundaries

Schools/Libraries

- School Buildings (Various)

- School Library

- Public Library

- Special Library

- DOE School Districts

- DOE VoTech School Districts

Hydrology

- Streams / Rivers

- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard

- A

- AE

- AO

- Open Water

- VE

- Public Protected Lands

- Municipalities

- Communities

- Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing

Sussex County Map

0 625 1,250 2,500 3,750 5,000
Feet



Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

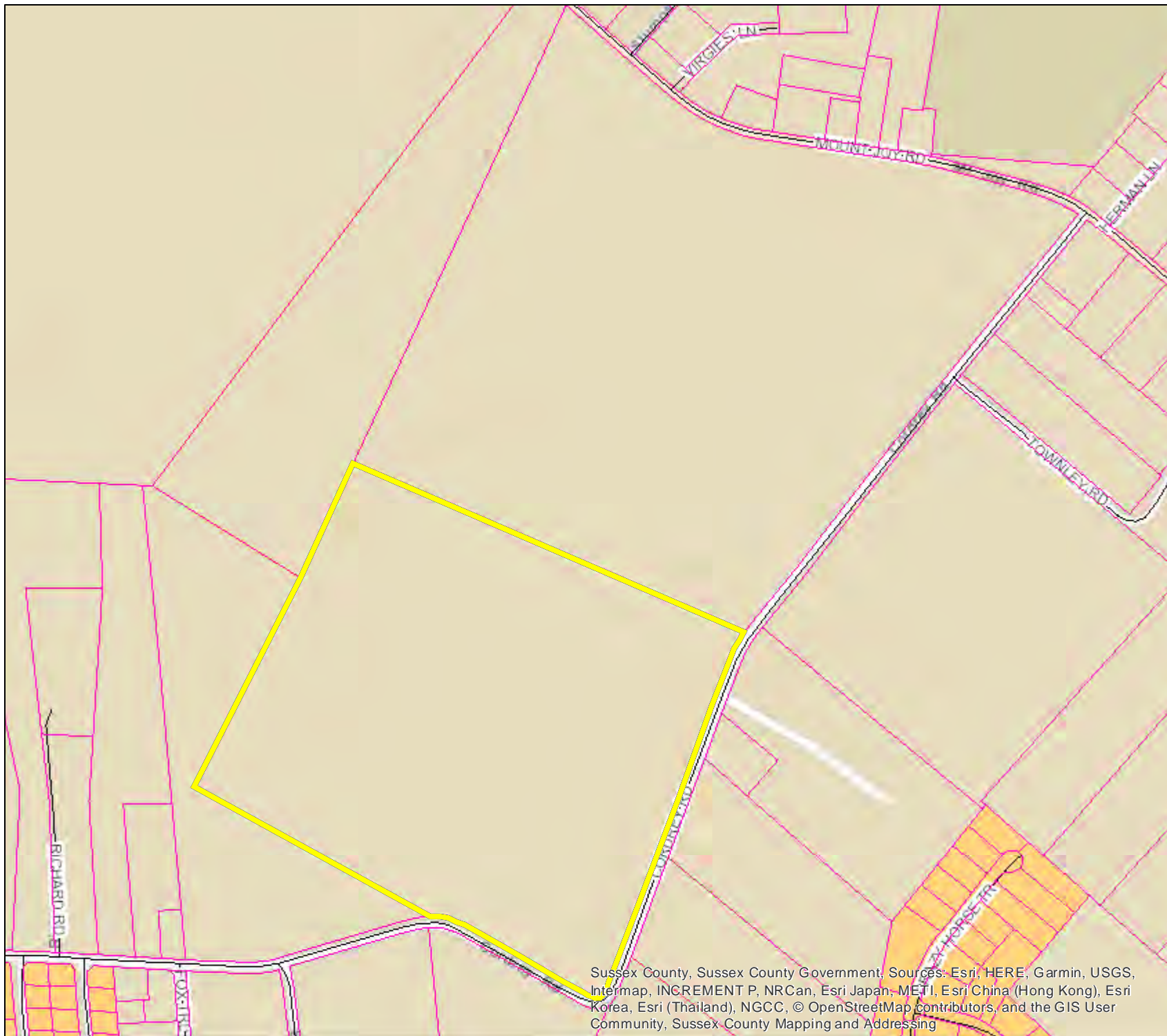
- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County



Sussex County, Sussex County Government. Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing

Sussex County Map

0 312.5 625 1,250 1,875 2,500 Feet



Addresses / Parcels

TaxParcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

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0.2% Annual Chance Flood Hazard

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AE

AO

Open Water

VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



Sussex County, Sussex County Government, Sussex County Mapping and Addressing,
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,
USGS, AeroGRID, IGN, and the GIS User Community

Sussex County Map

0 312.5 625 1,250 1,875 2,500
Feet

Introduced 01/16/18

Council District No. 4 – Cole

Tax I.D. No. 234-28.00-59.00 (portion of) and 234-28.00-60.00 (portion of)

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS, SALE AND STORAGE (EXTENSION OF CONDITIONAL USE NO. 1242) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.0011 ACRES, MORE OR LESS

WHEREAS, on the 18th day of December 2017, a conditional use application, denominated Conditional Use No. 2125, was filed on behalf of RS Cordrey Farms, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2125 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2125 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the northeast side of Cordrey Road, approximately 0.3 mile southeast of Mount Joy Road, and being more particularly described per the attached deed prepared by David W. Baker, Esq., P.A., said parcel containing 10.0011 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
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(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date April 26, 2018

Application: CU 2124 Jeri Berc

Applicant/Owner: Jeri Berc
16040 Hudson Rd.
Milton, DE 19968

Site Location: West side of Hudson Rd., approximately 400 ft. south of Eagle Crest Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Agricultural Education Facility with Commercial Kitchen

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Milton Fire District

Sewer: Private On Site

Water: Private On Site

Site Area: 4 ac. +/-

Tax Map ID.: 235-22.00-424.00



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

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janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 17, 2018

RE: County Council Report for CU 2124 Jeri Berc

The Planning and Zoning Department received an application (CU 2124 Jeri Berc) to allow for an agricultural education facility with commercial kitchen to be located on Hudson Rd. The Planning and Zoning Commission held a public hearing on April 26, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, results from DelDOT, comments Sussex Conservation District, staff analysis, letters in favor of and in opposition to the application.

The Commission found Jeri Berc was present on behalf of the application; that Ms. Berc stated she would like to run a non-profit on a 4 acre parcel where she resides and possibly have a commercial kitchen in the future to prepare food grown on site to be sold offsite; that she is to provide agricultural education to a person with disabilities and people with autism or developmental disabilities; that she is working to establish educational programs with the Consortium for Children with Autism in the Cape Henlopen School District and with Community Integrated Strategies (CIS); that in 1995 she purchased the property and planted an edible landscape; that she has added honey bees and now lives on the property; that she has retired from the USDA; that she has degrees in biology and soil science; that she is a certified landscape designer and manager; that she has had students come and see what is happening on the site and tours; that she has established the Long Life Institute as a nonprofit 501-C(3) non-profit entity; that the property is deeded in trust to the entity; that the purpose of the kitchen is to allow students to process food; that if approved a commercial kitchen will be constructed into another facility on Sweetbriar Road and she will look into using that facility instead of building her own commercial kitchen; that the intent is to grow, process, sell and work with students to learn these things; that there will be no food service delivery; that there will only be four to five students on site; that there may be opportunities for classes of up to 20 to come to the site to pick berries or pears; that the deed does allow for six animals; that she has two horses in a maintained pasture, grows hay, has two chickens for eggs, one bee hive, fruit trees and nut trees; that people can learn about sustainable horticulture and agriculture processes like rainwater collection; that there is four to five students most days with aides and sometimes there are larger groups to tour if they are interested; that at the maximum to date she has had ten people visit on site; that there is a long driveway and parking is available; that she does not expect a lot of cars;



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

that she would like to do Milton Garden Tour; that she will follow school hours; that a tractor is used two times a year to mow the hay; that she does not have early hours; that an existing 760 square foot cottage would house the commercial kitchen; that the cottage would have to be updated with septic and water system; that there is ability to turn around on the site; that they will process products such as blackberry jam, pear sauce, tomato sauce, dehydrating fruit and veggies; that there is no road side stand and there is a deed restriction preventing onsite sales; that she has no intention to feed people or have a shelter; and that the use of the kitchen is only to process the food grown on site and be able to be sold offsite.

The Commission found that Diana Bahri, spoke in favor to the application; that Ms. Bahri stated her son volunteered on the site for several years and she has helped him a lot; she has taught him how to take care of the land; that her son is very grateful for what he has learned; and that Ms. Berc is a good person, knowledgeable and selfless.

The Commission found that Ed Coviello, Robert Smith, Deborah Spellman, John Gardoski, John Doran, Carolyn Burgess, Danica Paul, George Grose, Stephanie Smith, and Archie Holden spoke in opposition to the application; that Mr. Coviello stated that Ms. Berc is his neighbor; that he doesn't know what she intends to do; that they don't need this operation in the area; that they are paying for new schools going up in the area; that the buses will not be able to turn around on the site; that they need bathrooms on the site; that this is not a benefit to kids or others; that this should be done at schools; that Mr. Smith stated he has not seen a detailed educational plan; that the Consortium will have kitchens available in the new building and maybe Ms. Berc could look into using the kitchen at the other facilities without having a commercial kitchen onsite; that he has concerns with the future of the non-profit; that there is no mission or Board of Directors to guide the nature of the project; that screening around the property would be good; that Ms. Berc stated she talked to the coordinator and they don't expect a large bus; that Ms. Spellman stated this parcel is part of Cripple Creek and the restrictions state there shall be no customer traffic from the business; that this is a noble cause and a good farm; that it is a good project; that Ms. Berc is using a neighbor's parcel for the horses; that Mr. Gardoski stated he has issues with the look of the site; that he has concerns with liability; that parking is an issue; that he has been there since 1970 and one of the buildings is on his property as well as a portion of the driveway; that the condition of the buildings is poor; that Mr. Doran stated he thinks this is a wonderful thing but not a good plan; that Ms. Burgess stated she had concerns with approving a dream and there is no plan; that she is concerned that the buildings are not properly permitted; that Ms. Paul stated she has a view of the property and Ms. Berc is not maintaining the upper acre of the land; that she is keeping the horses on the parcel adjacent to her property; that the parcel is not as big as she thinks it is; that Mr. Grose stated he has concerns about the kids visiting her facility getting into pools and near the bees; that Ms. Smith stated they should consider an assessment of the project; that she questions the need for this use; that there should be conditions on it; and that Mr. Holden stated this should not be in a residential area.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of May 10, 2018, the Planning Commission discussed the application which has been deferred since April 26, 2018.

The Commission discussed the deed restrictions for Cripple Creek Subdivision; that this parcel is not part of the subdivision; that the parcel is subject to some but not all of Cripple Creek restricted covenants; that the restrictions said nothing about commercial uses; that Mr. Robertson read into the record the recorded covenants for Cripple Creek and this parcel; that the covenants stated the property owners of Cripple Creek are aware of and agree to Cripple Creek's being a farm-type rural community where people have the freedom to grow crops, livestock, and fowl, and that in the normal course of these agricultural and rural activities, there may be some noise, odors, or dust that could be offensive to non-agricultural people or those not accustomed to a rural existence; therefore, the residents of Cripple Creek agree not to institute or be a party to any petitions or legal actions against any agricultural activities in Cripple Creek or the surrounding agricultural areas, as Cripple Creek residents are in favor of agricultural activities and are aware of the dust, noise, and odor that could occur on occasion; that the covenants also stated that Ms. Berc is entitled to have twice the number of livestock as people within Cripple Creek; that Ms. Berc is entitled to have 20 livestock, including long eared mules; that people in Cripple Creek are only allowed to have 10 livestock including long eared mules; that there shall be no more than two pigs or hogs; that there shall be no more than 50 fowl; that in the recorded restricted covenants it also stated to help in choosing your desired livestock and or fowl the following is the maximum total of each livestock or fowl aloud on Ms. Berc property is 8 horses, 3 sheep, 8 goats, 8 cattle, 10 geese, 10 ducks, 25 chickens and 2 pigs or hogs; that restricted covenants mention potential nuisance but does not go into great detail what is or what is not a nuisance; that there was discussion if the proposed use is permitted or if it does require the Conditional Use; that if it is determined to be appropriate for an Conditional Use, conditions could be placed on the parcel; and that a Conditional Use on the property with the appropriate conditions would further define the situation and give Ms. Berc more protection with moving forward with what she wants to do.

Motion by Ms. Stevenson, seconded by Mr. Wheatley and carried unanimously to defer action further consideration. Motion carried 5-0.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 18, 2018
RE: Staff Analysis for CU 2124 Jeri Berc

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2124 Jeri Berc to be reviewed during the April 26, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 235-22.00-424.00 to allow for an agricultural education facility with commercial kitchen to be located on Hudson Rd. The size of the property is 4.0 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Low Density Areas.

The surrounding land use to the north, south, east and west are Low Density Areas. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for an agricultural education facility with commercial kitchen could be considered consistent with the land use, area zoning and uses.








Addresses / Parcels


 TaxParcels


Council Districts


 Fire Districts

 County District 01

 County District 02


 County District 03


 County District 04


 County District 05

 County Boundaries


Schools/Libraries


 School Buildings (Various)

 School Library


 Public Library


 Special Library

 DOE School Districts


 DOE VoTech School Districts

Hydrology

 Streams / Rivers

 Lakes, Ponds, Bays

Flood Zones

 0.2% Annual Chance Flood Hazard

 A

 AE

 AO

 Open Water

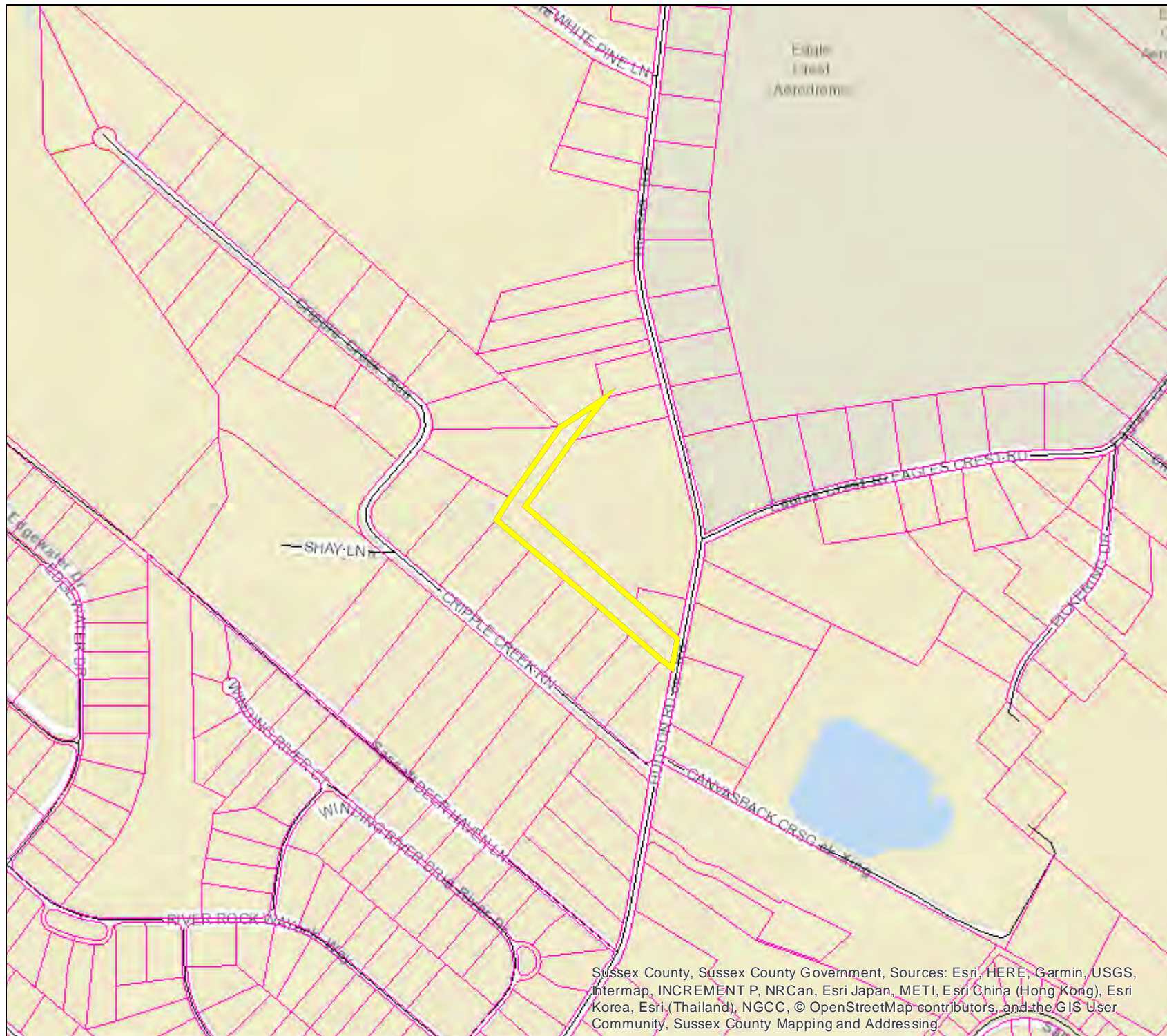
 VE

 Public Protected Lands

 Municipalities

 Communities

 Boundaries State County



Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing.

Sussex County Map

0 312.5 625 1,250 1,875 2,500
Feet



Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

■ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

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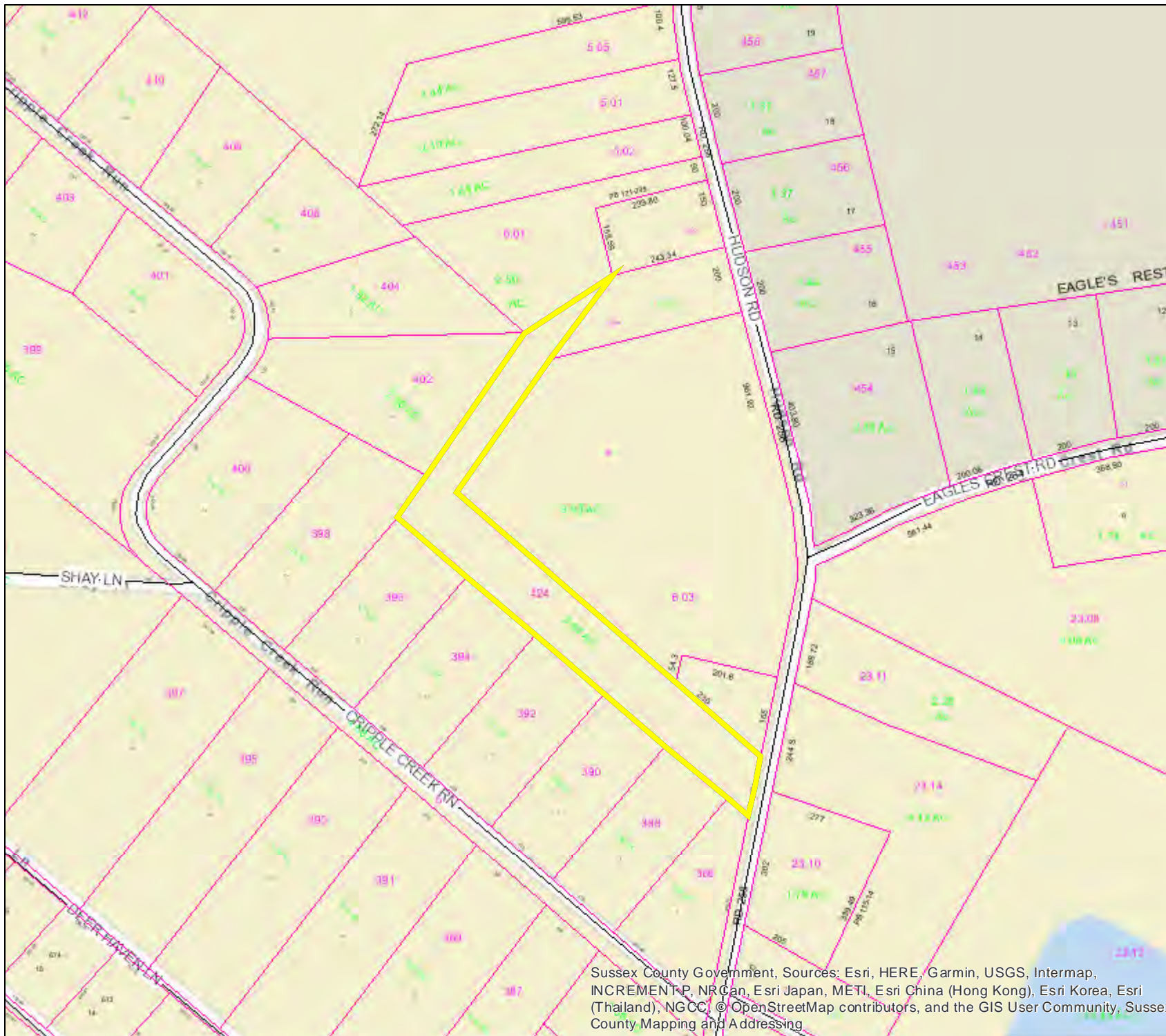
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



Sussex County Map

0 155 310 620 930 1,240
Feet



Addresses / Parcels

■ TaxParcels

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Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Sussex County Map



Introduced 1/9/18

Council District No. 3 - Burton

Tax I.D. No. 235-22.00-424.00

911 Address: 16040 Hudson Road, Milton

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AGRICULTURAL EDUCATIONAL FACILITY WITH COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9785 ACRES, MORE OR LESS

WHEREAS, on the 6th day of December 2017, a conditional use application, denominated Conditional Use No. 2124, was filed on behalf of Jeri Berc; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2124 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2124 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Hudson Road approximately 400 feet south of Eagles Crest Road and being more particularly described in the attached deed prepared by Ellis & Szabo, LLP, said parcel containing 3.9785 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.