NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES SEWER CAPACITY POLICY

Policy No:

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Subject:

Sewer Fee Payment for Incorporated Areas

Date of Publication:

November 8, 2001

Effective Date:

November 8, 2001

LEGAL AUTHORITY: The New Castle County ("County") Department of Special Services ("Department") and the General Manager of the Department enact this policy pursuant to authority granted to them in Title 9, Section 1421 (3) of the Delaware Code and Chapter 2, Section 2.05.301 of the New Castle County Code ("Code"). 9 Del. C. § 1421(3); 2 N.C.C.C. § 2.05.301.

POLICY: Because the Department does not issue building permits nor certificates of occupancy in incorporated areas, the Department requires that all sewer fees for properties located within an incorporated area are due upon execution of the sewer agreement. The County realizes however, that there will be occasions when a Developer is constructing a development of such magnitude that a hardship will result if the Developer has to pay all sewer fees when the initial record plan is filed. Taking this into account, as of this date, the County will allow a Developer to enter into a sewer agreement with the County, prior to payment of the requisite sewer fees, if the following procedure is followed. First, Developer must submit a record plan to the County incorporating eighty (80) or more lots for development. Next, prior to execution of a sewer agreement, Developer shall deliver to County a Bond and/or a Letter of Credit securing the full amount of the sewer fees under the aforementioned sewer agreement. The amount of said Bond, or Letter of Credit shall be appropriately reduced, upon the approval of the County as fees are paid to County, such reduction shall be done no more than once every six (6) months. Developer's obligation to pay these fees shall be made known to prospective homebuyers, as provided in the "Notice of Sewer Lien" attached hereto as Exhibit "A", by attaching said notice hereto and such notice also to be separately recorded in the Recorder of Deeds Office in and for New Castle County.

If Developer chooses this option, Developer must make such request, in writing, to the General Manager of the Department of Special Services at: 187A Old Churchmans Road, New Castle, DE 19720. Additionally, if Developer agrees to pay County all sewer fees including, but not limited to, the Sewer Inspection Fee related to each lot on or before the issuance of a building permit for each lot. In the event that Developer does not pay such fees in full on or before the date of commencement or construction of each lot,

Developer agrees to pay County two (2) times the total sewer fees for that lot. Furthermore, Developer grants to County the right to withhold all building permits and certificates of occupancies for all lots Developer may seek to build upon in New Castle County until such delinquent fees are paid-in-full as required by this Agreement.

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Approved	d:	
	General Manager, Department of Special Services	S
Date:		

Distribution: Policy Book Holder