

INTRODUCED BY: Joanne Masten
DATE INTRODUCED: November 12, 2024
PUBLIC HEARING DATE: December 17, 2024
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

Ordinance LC24-32
Stormwater Maintenance District Fees

An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, as amended by revising Article XVII – Supplementary Regulations, § 187-90.4 Stormwater maintenance districts to clarify that the annual fee shall be established Chapter 128, Fees and incorporated into the annual budget.

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, as amended by revising Article XVII – Supplementary Regulations, § 187-90.4 Stormwater maintenance districts is hereby amended by adding the following underlined language and deleting the bracketed language shown with strike through marks:

§ 187-90.4 Stormwater maintenance districts.

H. Fee assessment.

(1) In order to fund the annual and long-term costs for the stormwater maintenance district, the Levy Court shall establish a fee structure within Chapter 128, Fees and incorporate the fee(s) into the annual budget. The annual maintenance cost of the program, planned capital improvements, and administrative costs shall be used to determine the annual fee. [~~as part of the annual budget and divide the annual cost, plus a pro rata administrative cost, by the number of dwelling units within the stormwater maintenance district to arrive at the annual unit cost.~~]

Section 2. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 4. Effective Date.

This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,
DELAWARE

President, Kent County Levy Court

This _____ day of _____, 20__

ATTEST: _____
Clerk of the Peace

Synopsis: The ordinance clarifies that the annual stormwater maintenance district fee shall be established Chapter 128, Fees and incorporated into the annual budget.