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SYNOPSIS OF AN ORDINANCE OF THE TOWN OF SOUTH BETHANY CREATING A CLEAN HANDS POLICY

ORDINANCE 220-25 (SECOND READING)
(Sponsored by Mayor Dondero)

This ordinance creates Chapter 146 to establish a clean hands policy, to require residents and property owners to be current in the payment of taxes and other town obligations as a condition precedent to making application for and receiving town approvals, services and/or permits.

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ORDINANCE NO. 220-25

WHEREAS, the Town of South Bethany recognizes the need to create a new chapter in order to establish a clean hands policy to require residents and property owners to be current in the payment of taxes and other town obligations as a condition precedent to making application for and receiving town approvals, services and/or permits.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of South Bethany, Delaware, as follows:

(additions are in red text and deletions bolded and ~~**marked through**~~)

Chapter 146
Clean Hands Policy

§ 146-1. Determination of currentness required.

The Town staff having authority to accept applications and issue approvals, permits, licenses, and/or provide Town services shall first determine that the applicant is current on and not in default of certain obligations to the Town.

§ 146-2. Town obligations which must be current.

Applicants for Town approvals, permits, licenses and/or the use, receipt or provision of Town services shall be current on all of the following obligations to the Town, the request for compliance, repair or payment of which has been sent via regular mail, email, facsimile or hand-delivery at least 30 days prior to receiving such approvals:

A. Property taxes.
B. Assessments.
C. Application fees and any applicable professional fees.
D. Subdivision fees and any applicable professional fees.
E. License fees.
F. Permit fees.
G. Administrative fees.
H. Civil penalties.
I. Site plan reviews and any applicable professional fees.
J. Interest, penalties, court costs and/or attorney's fees if applicable to a

default in any of the obligations identified in this section.

K. Reimbursements for costs paid by the Town, including snow removal and any repairs to streets, curbing, and sidewalks.

L. Emergency costs expended by the Town related to any property in which the applicant has an interest.

M. Repairs required by the Town for streets, curbing and sidewalks for any property in Town in which the applicant has an interest.

N. Outstanding obligations required by the Town or any county or state official or agency related to a condition of any property in which the applicant has an interest.

O. Any other outstanding civil penalties or fee(s) authorized by Town Council.

§ 146-3. Denial of Town approvals, permits and licenses.

The Town staff shall refuse to accept applications and grant permits, licenses and/or approvals for the use, receipt or provision of Town services, including but not limited to building permits, building code plan reviews or inspections, subdivisions, rezoning, conditional uses, variances or special use exceptions, until the property owner and applicant have demonstrated that all Town obligations identified in this chapter are satisfied. If the party requesting Town approval is current on some, but not all, obligations owed to the Town, the approval, permit, license and/or Town service being applied for shall be denied until such time as all Town obligations are current and fully complied with.

§ 146-4. Procedure.

A. The Town staff having authority to accept applications and issue approvals, permits or licenses and/or provide Town services shall make all reasonable efforts to determine that none of the Town obligations identified in this chapter is unpaid.

B. If any noncompliance or outstanding obligations are determined to exist, then the Town employee with authority to issue the requested approval, permit, or license and/or provide Town services shall, in writing, deny the application and indicate the payment, action or filing required for currentness and/or compliance. Failure of the appropriate employee to issue such written denial within 10 working days from receipt of the application shall constitute a waiver of this chapter's applicability to that application.

§ 146-5. Appeals.

Any applicant denied pursuant to this chapter may appeal that denial to the Town Manager within 15 working days of such denial. The Town Manager, or a designee, shall thereafter hold a hearing, at which the applicant shall be permitted to provide proof that such payment, action, or filing has been made and carried out or that the denial is based

on incorrect information. A written decision shall be rendered within 10 working days of the hearing. In the event that the Town Manager or his/her designee confirms the denial after the hearing, the applicant may then appeal the denial to the Town Council. Such appeal must be filed in writing with the Town within 15 working days of the written decision.

Effective date. This ordinance shall become effective upon the date of adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE _____ OF _____ 2025.

SEAL:

_____
Edith Dondero, Mayor

_____
Christine Keefe, Council Secretary

ATTEST: _____

1st Reading: 8/8/25
2nd Reading: 9/12/25
MA: Ordinance 220-25

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