



Ordinance 2005-02

AN ORDINANCE: TO IMPOSE A REAL ESTATE TRANSFER TAX OF 1.5% OF THE VALUE OF THE PROPERTY CONVEYED IN CONFORMANCE WITH THE DEFINITIONS AND EXCEPTIONS GOVERNING THE DELAWARE REALTY TRANSFER TAX AS CONTAINED WITHIN CHAPTER 54 OF TITLE 30 OF THE DELAWARE CODE AND AUTHORIZED WITHIN CHAPTER 16 OF TITLE 22 OF THE DELAWARE CODE.

Town of Bellefonte, Delaware

THE COMMISSIONERS OF BELLEFONTE

BE IT ORDAINED by the Commissioners of the Town of Bellefonte, Delaware, a majority thereof concurring after careful review, and three public readings, that the following Ordinance is adopted:

Section 1 - Imposition of Tax

There is hereby imposed upon the transfer of all real property located within the Town limits of the Town of Bellefonte, Delaware (as they now or hereafter exist) a tax of 1.5% of the value of the property conveyed in conformance with the definitions and exceptions governing the Delaware State Realty Transfer Tax as contained within Chapter 54 of Title 30 of the Delaware Code and authorized within Chapter 16 of Title 22 of the Delaware Code.

Section 2 - Effective date; Exceptions

This Ordinance shall be effective October 1, 2005. Notwithstanding the effective date of this Ordinance, the transfer of any real property within the Town of Bellefonte, Delaware pursuant to a valid written contract entered into prior to the effective date of this Ordinance shall be exempt from the provisions hereof.

Section 3 - Duty to Pay Tax

It shall be the ultimate responsibility of the grantee in any transaction subject to this Ordinance to see that the appropriate amount of tax is collected and paid no later than the presentation of the document involved in such transaction for recording at the appropriate Recorder of Deeds office. Upon receipt of the appropriate amount, the Town Commission or its duly authorized agent shall, upon the document relating to such transaction, confirm that the Bellefonte Realty Transfer Tax imposed by this Ordinance has been paid. The Town may appoint the New Castle County Recorder of Deeds or any attorney-at-law or other person as its authorized agent to collect the Realty Transfer Tax imposed by this Ordinance and to confirm such payment on the face of the document presented for recording.

Section 4 - Failure to pay Realty Transfer Tax, Interest, Penalties, Liens

Where any real property within the Town of Bellefonte is transferred without payment of the appropriate Real Estate Transfer Tax in violation of this Ordinance:(a) An additional sum of 1% of the total amount due and owing for each month that has transpired without payment, shall be payable to the Town of Bellefonte.(b) A lien on said real property in favor of the Town of Bellefonte shall arise and be subject to all remedies, including but not limited to attachment to proceeds of sale as authorized in Chapter 29 of Title 25 of the Delaware Code. (c) Whoever violates this Ordinance shall be Fined not more than \$500 and imprisoned for not more than one year, or both. (d) The Superior Court shall have jurisdiction over offenses under this section.

FIRST READING: ___7-11-05___
SECOND READING: ___7-11-05___
THIRD READING: ___9-12-05___
PASSED : ___9-12-05___

ATTEST: ___S.L. MacKenzie___ Secretary, Bellefonte Town Commission
 ___David Wishowsky___ President, Bellefonte Town Commission