

ORDINANCE NO. 506

AN ORDINANCE TO AMEND SECTION 140-11 OF THE CODE OF THE CITY OF NEW CASTLE (THE “CODE”) ENTITLED “EXCESSIVE CONSUMPTION OF INSPECTIONS” AND SECTION 140-12 OF THE CODE ENTITLED “FEES FOR EXCESSIVE CONSUMPTION OF INSPECTIONS; COLLECTION”

WHEREAS, the City Council of the City of New Castle acknowledges that property owners who must repeatedly be ordered to abate housing and property maintenance violations as established by the City Code consume an unacceptable and disproportionate share of limited City resources; and

WHEREAS, Section 140-11 of the City Code presently imposes a fee on property owners who consume an excessive consumption of inspections; and

WHEREAS, Subsection G of Section 140-11 presently states that a purchaser of property in the City of New Castle shall not be liable for any excessive consumption fees arising from inspections services provided to the previous owner of the subject property; and

WHEREAS, certain banks, investors and other private owners of property in the City have sought to evade payment of substantial sums of lawfully imposed excessive consumption of inspection charges by transferring title to third parties without payment of outstanding fees and relying upon §140-11 G to insulate the new owner from liability for such fees; and

WHEREAS, it is in the City’s best interest to clarify and enhance the City’s ability to collect lawfully assessed excessive consumption of inspection fees as a means of compelling compliance with the City Housing and Property Maintenance Code;

NOW, THEREFORE, IT IS HEREBY ORDAINED, by the City Council of the City of New Castle as follows:

SECTION 1: The City Code is hereby amended to repeal §140-11 G in its entirety.

SECTION 2: Section 140-12 B of the City Code is hereby amended so that such section shall read, in its entirety, as follows:

§140-12. Fees for Excessive Consumption of Inspections; Collection.

* * *

- B. Unpaid fees for excessive consumption of inspections shall represent a lien on the property subjected to repeated and excessive inspections which lien shall run with the land and not be impaired by the owner’s transfer of title. Such lien shall be enforceable, and such fees shall be collectible, in the same manner as delinquent real estate taxes due the City of New Castle as provided for in Section 19.4 of the City Charter.

