

Ordinance No. 2026-564

**AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL
CODE, CHAPTER 141 (DANGEROUS OR VACANT BUILDINGS),
REGARDING
VACANT BUILDING REGISTRATION AND FEES**

WHEREAS, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal the City of New Castle Municipal Code (“City Code”); and

WHEREAS, the City Council previously adopted and amended Section 141-19 to address the annual registration of vacant buildings within the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to further amend the City Code to revise the fee structure and certain registration requirements for vacant buildings within the City;

WHEREAS, the City Council further finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate governmental interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life.

NOW, THEREFORE, making the express finding that the provisions of this Ordinance enhance and promote the health, safety, and welfare of the City of New Castle, be it ordained by the Council of the City of New Castle Council as follows:

SECTION 1: City Code Chapter 141, Dangerous or Vacant Buildings, Section 141-19.B, Annual registration of vacant buildings; registration fees, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified by bold, underlined text):

B. Definitions; applicability; registration statement and fees.

(...)

- (2) Applicability. Except as otherwise provided in this chapter, the requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant for more than 45 consecutive days, and to each owner of residential property consisting of one or more vacant dwellings that shall have been vacant for more than 45 consecutive days. Each such owner shall cause to be filed a **notarized** registration statement, which shall include the street address and parcel number of each such vacant building, the names and valid addresses, telephone numbers and email addresses of all owners, as hereinafter described, and any other information deemed necessary by the City. The registration fees as required by Subsection B(3) of this section shall be billed by the City and shall be paid by January 1 of each year. For purposes of this section, the following shall also be applicable:

(...)

- (3) Registration statement and fees; local agent. If none of the persons listed above is shown at an address within the state, the registration statement shall also provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required

whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with all other provisions of this Chapter 141, or any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering. The owner of the vacant property as of November 15 of each calendar year shall be responsible for the payment of the nonrefundable registration fee.

(a) Said fee shall be billed annually by the City and based on the duration of the vacancy as determined by the following fee schedule:

[1] No fee for properties that are vacant for less than one year;

[2] For each property that is vacant for at least one year but less than three years: \$1,000; and

[3] For each property that is vacant for at least three **but less than five years** ~~or more years~~: \$3,000 per year.

[4] For each property that is vacant for at least five years but less than ten years: \$5,000 per year.

[5] For each property that is vacant for at least ten years: \$5,000 plus an additional \$1,000 for every additional year over 9

years (e.g., the fee for year 10 is \$6,000 and the fee for year 11 is \$7,000, and so on).

(...)

SECTION 2: City Code Chapter 141, Dangerous or Vacant Buildings, Section 141-19.C, Annual registration of vacant buildings; registration fees, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified by bold, underlined text):

C. Inspections.

- (1)** Any structure or dwelling that remains vacant (whether or not registered with the City under this section) for in excess of one year shall be subject to inspection by the Building Official from time to time as the Building Official reasonably deems appropriate to determine the safety and stability of such structure or dwelling. **The City will charge an inspection fee of \$100 per inspection to the property owner of said structure or dwelling.** If the Building Official is denied entrance to the vacant building or structure for purposes of inspecting same, he/she may, upon a showing of probable cause, obtain a warrant from a Justice of the Peace as authorized by § 141-4D of this chapter.
- (2)** **Any structure or dwelling that remains vacant for three (3) consecutive years is required to be inspected by a design professional. The design professional must submit a report to the Code Official documenting any structural or fire safety concerns in addition to any health, safety or welfare issues within ninety (90) days of the three (3) year anniversary when the structure was first registered or noted as vacant.**

(3) Any vacant structure or dwelling determined to be unsafe following an inspection under Chapter 185 relating to structural or interior hazards shall be marked with a placard(s) by the Code Official and the costs of the placard(s) and installation will be charged to the property owner. Placards shall be applied on the front of the structure or dwelling and be visible from the street. Additional placards will be applied to each entrance of buildings with more than one main entrance. Placards shall be 24 inches by 24 inches (610 mm by 610 mm) minimum in size with a red background, white reflective stripes that form an X and a white reflective border. The stripes and border shall have a 2-inch (51 mm) minimum stroke.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 5: This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading

Second Reading

Signed this _____ day of _____, 2025

