

Ordinance No. 2026-569

AN ORDINANCE AMENDING THE CODE OF THE CITY OF NEW CASTLE TO AUTHORIZE THE RECOVERY OF CODE ENFORCEMENT COSTS, CIVIL PENALTIES, PROPERTY MAINTENANCE ABATEMENT COSTS, AND NUISANCE ABATEMENT EXPENSES THROUGH COLLECTION IN THE SAME MANNER AS REAL PROPERTY TAXES.

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, City Council is charged with protecting public health, safety, and welfare through enforcement of its building, property maintenance, housing, sanitation, zoning, drainage, sewer, and related codes and ordinances; and

WHEREAS, when property owners and other responsible parties fail to comply, the City may incur costs to investigate, notice, re-inspect, correct, or abate violations, and the public bears those costs absent a mechanism for recovery; and

WHEREAS, Delaware law authorizes municipalities to impose liens for the costs of abating violations of local codes and, when authorized by local ordinance, to add such charges to property tax bills and collect them in the same manner as real estate taxes; and

WHEREAS, the City’s existing code authorizes a municipal lien mechanism for certain abatement expenses but does not clearly authorize adding those unpaid amounts to property tax bills and collecting them as taxes; adoption of this Ordinance will supply that authorization and establish uniform procedures; and

WHEREAS, City Council finds that providing an effective mechanism for recovering such costs promotes public health, safety, welfare, and neighborhood stability and protects City taxpayers from bearing the expense of private noncompliance; and

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; and

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 1, Article III, General Administration, is hereby amended by creating a new Section 1-13, titled Property Tax Billings, as follows (with deleted text identified by bold, strikethrough and new language identified in bold, underlined text):

§1-13 Property Tax Billings

- A. As an alternative to, or in addition to, any other enforcement mechanism or remedy authorized under this Code, fines and civil penalties, when final and unappealable, associated with violations of the City's building, property maintenance, zoning, subdivision, drainage, sewer, housing, sanitation, dangerous or vacant buildings, or animal Code requirements may be added to local property tax billings for the property which was the subject of violation and collected in the same manner as other real estate taxes.**
- B. As an alternative to, or in addition to, any other enforcement mechanism or remedy authorized under this Code, charges for the cost of removal, abatement, or correction of any violation of the City's building, property maintenance, zoning, drainage, sewer, housing, or sanitation Code requirements done through public expenditure may be added to local property tax billings for the property which was the subject of violation and collected in the same manner as other real estate taxes.**

C. Any amount added to a property tax bill pursuant to this Section shall:

- (1) Be due and payable at the same time and in the same manner as City real property taxes;**
- (2) Bear interest at the same rate applicable to delinquent City real property taxes;**
- (3) Constitute a lien against the property to the same extent as delinquent City real property taxes; and**
- (4) Be collected and enforced through any collection remedy available for delinquent City real property taxes, including monition proceedings, sheriff's sale proceedings, tax sales, municipal liens, and any successor procedures authorized by Delaware law.**

D. The charges addressed herein may be imposed upon the property even if said property is partially or fully tax-exempt and may be collected in the same manner as real property tax, even if no real property tax is due or assessed.

E. The City Administrator may remove, in whole or in part, charges addressed herein from a tax bill for good cause. "Good cause" may be found if:

- (1) the charges were paid after the amount was moved to a tax bill;**
- (2) the charges were added to a tax bill in clear error or contrary to written City policy; or**
- (3) the City Administrator determines through available information including, but not limited to, a written statement and other supporting evidence from the property owner or other responsible party, that failure to pay the relevant charges are the result of conditions over which the property owner had no control, or which the property owner could not reasonably be expected to guard against. Such conditions may include, without limitation, serious illness or death of the property owner or immediate family**

member, the destruction of important records by fire or other accidental cause, or military deployment.

SECTION 2: 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 3: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 4: This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading

Second Reading

Signed this _____ day of _____, 2026

_____, President of City Council

Attest: _____
_____, City Clerk

Approved: _____
_____, Mayor