

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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Delaware City, Delaware 19706
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**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Substitute Amendment No. 1 to Ordinance No. 15 -0420-03**

**ORDINANCE TO AMEND CITY CODE SECTION 22-8 FOR THE PURPOSE OF
CLARIFYING WHEN A VACANT PROPERTY REGISTRATION IS FIRST
REQUIRED AND TO ESTABLISH FEES FOR THE FAILURE TO TIMELY FILE
INITIAL REGISTRATION**

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, Chapter 22-8 of the Code contains requirements with relating to the registration of vacant and abandoned property located within the City of Delaware City, Delaware ("City").

WHEREAS, Chapter 22-8(d) of the Code requires a registration to be filed for any building that has been vacant for a period of sixty (60) consecutive days.

WHEREAS, Chapter 22-8(d) of the Code does not expressly include a deadline by which the requisite registration must be filed or state a penalty for the failure to file the requisite registration in a timely manner;

WHEREAS, the Mayor and City Council desire to amend Code Sections 22-8(d) and (e) (“Amendments”) to establish and adopt a specific deadline by which such registrations must be filed and a penalty for the failure to meet such deadline;

WHEREAS, under Article V, Section 5-02(B) of the Charter, the Amendments were introduced at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

NOW, THEREFORE, making the express finding that the Amendments outlined herein are for and enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1 – Amend Section 22-8(d) of the City Code of Delaware City, entitled “Registration Statement”, to add the language identified in bold:

Registration Statement. 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 sixty (60) consecutive days or more. **Once a building has remained vacant for sixty (60) consecutive days, a registration and initial registration fee shall be required to be filed within thirty (30) days thereafter.** In no instance shall the registration of a vacant building and the payment of registration fee be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code, housing code or property maintenance requirement. One registration statement may be filed to include all vacant buildings belonging to a single owner, however, a separate registration fee as required by subsection 22-8(e) must be paid for each vacant property. **After the initial registration filing and payment of the initial registration fee**, the owner of the vacant property as of November 1 of each calendar year shall be responsible for the payment of the non-refundable registration fee on January 1 of each year **thereafter**.

Section 2 – Amend Section 22-8(e) of the City Code of Delaware City, entitled “Registration Fees”, to add the language identified in bold:

An initial vacant property registry fee shall be non-refundable and shall be set at \$100.00. The -annual vacant property registration fee shall be non-refundable and shall be set at \$100.00. Failure to timely register or pay the registration fee **(including**

both the initial registration fee and the annual registration fee) shall result in a fine of \$25.00 each month the vacant property remains unregistered.

Section 3. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 4. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council.

Signature Page Follows

ADOPTED BY THE MAYOR AND COUNCIL, this 18th day of May, 2015.

ATTEST:

[Signature]
City Secretary

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Council Member

[Signature]
City Solicitor

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

First Reading on 4/20/15,

Second Reading, Public Hearing, and Final Passage on 5/18/15.