

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

ORDINANCE NO. 15-0518-01

**AN ORDINANCE TO AMEND AND MODIFY DELAWARE CITY
CODE CHAPTER 3 ENTITLED "TAXATION" TO
INCLUDE PROVISION PROVIDING FOR THE PLACEMENT
OF TAX LIENS AGAINST TAXPAYER'S PROPERTY**

The City of Delaware City

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"); and

WHEREAS, the Mayor and City Council have determined that a tax lien should be imposed against a taxpayer's property with respect to unpaid fees and other charges levied by the City including, but not limited to, utility charges, permit and licensing fees, code violations and/or vacant property fees; and

WHEREAS, the Mayor and City Council believe amending Chapter 3 of the Code to include a new Article III entitled "Collection of Unpaid Fees and Charges" and including a new Section 3-31 as set forth below will enable the City to obtain a tax lien for unpaid fees and charges and aid in the City in the collection of these amounts; and

WHEREAS, pursuant to Article V, Section 5-02(B) of the Charter and Delaware City Code Section 46-139, the Proposed Code Sections were introduced by a member of Council at a regular meeting, duly read in full or in abstract, prominently posted for fifteen (15) days in The City of Delaware City.

NOW, THEREFORE, the Mayor and the City Council of The City of Delaware City hereby ordain:

Section 1. Chapter 3 of the Code entitled "Taxation", upon an affirmative vote of the City Council, is hereby amended and modified by adding a new Article III

entitled "Collection of Unpaid Fees and Charges" and the addition of new Section 3-31 which shall read as follows:

3-31 Unpaid Fees and Charges Shall Constitute a Lien. All fees levied by the City of Delaware City, including but not limited to charges imposed for utilities, code violations, delinquent permit and licensing fees, vacant property fees and/or fees or amounts otherwise charged by or due to the City under other provisions of this Code or the City's Charter, shall be deemed to be tax liens against a taxpayer's property or properties pursuant to 25 Del. C. § 2901 and shall be collected in the same manner as other taxes due to the City of Delaware City.

Section 2. Inconsistent Ordinances and Resolutions Repealed. Ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.


Section 3. 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 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 one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the City Council's intent.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption by majority vote of City Council.

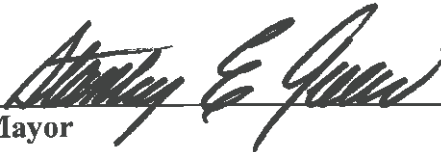
(SIGNATURE PAGE FOLLOWS)

ADOPTED BY THE MAYOR AND COUNCIL, this 1st day of June, 2015.

ATTEST:



City Secretary



Mayor


APPROVED AS TO FORM:




Council Member




City Solicitor



Council Member



Council Member



Council Member



Council Member

First Reading on 5/18/15,

Second Reading, Public Hearing, and Final Passage on 6/15/15.