



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

November 25, 2025

6:30 PM

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

AGENDA

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°25-154: AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET:
REALIGN PREVIOUSLY AUTHORIZED BOND FUNDING IN THE AMOUNT OF \$2,000,000 AND
STATE FUNDING IN THE AMOUNT OF \$1,500,000 FROM EXISTING SEWER/STORMWATER
CAPITAL PROJECTS IN THE DEPARTMENT OF PUBLIC WORKS TO THE SOUTHERN SEWER
SERVICE AREA CAPITAL PROJECT
PRIME SPONSOR(S): Mr. Sheldon, Mr. Carter

°25-155: AMEND THE GRANTS BUDGET: APPROPRIATE \$35.46 IN MISCELLANEOUS
INCOME AND REALIGN \$165,297.97 WITHIN THE FY2025 STATE AID FOR LIBRARIES
GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES,
DIVISION OF LIBRARIES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°25-156: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED FEDERAL
FUNDS OF \$9,640,323 FROM THE U.S. DEPARTMENT OF TREASURY TO THE SOCIAL
IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT (SIPRA) – THE FAMILY HOPE
PROJECT GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY
SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°25-157: TO AMEND CHAPTER 7 ("PROPERTY MAINTENANCE CODE") OF THE NEW
CASTLE COUNTY CODE
Prime Sponsor(s): Ms. Kilpatrick, Mr. Tackett

°25-158: AMEND THE FY2026 APPROVED OPERATING BUDGET: APPROPRIATE \$750,000 FROM THE REALTY TRANSFER TAX RESERVE TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE EQUIPMENT BUDGET LINE ITEM FOR THE FIRST PAYMENT OF THE RE-NEGOTIATED CONTRACT WITH AXON ENTERPRISES

Prime Sponsor(s): Mr. Toole, Mr. Caneco

E. Consent Calendar

R25-201: CONSENTING TO THE APPOINTMENT OF CHASE BARNES TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT

Prime Sponsor(s): Ms. Durham

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

F. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

R25-202: APPROVING THE REFUND OF A DUPLICATE TAX PAYMENT ON TAX PARCEL NUMBER 09-018.000-30

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

G. Time Sensitive Congratulatory/Honorary Resolutions

H. Presentations

I. Consideration of Ordinances

J. Introduction/Consideration of Emergency Ordinances

K. Public Comment/Other

L. Motion to Adjourn

AGENDA POSTED: November 18, 2025

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

****Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a**

telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes>. Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

ORDINANCE NO. 25-154

**AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET:
REALIGN PREVIOUSLY AUTHORIZED BOND FUNDING IN THE AMOUNT OF \$2,000,000
AND STATE FUNDING IN THE AMOUNT OF \$1,500,000 FROM EXISTING
SEWER/STORMWATER CAPITAL PROJECTS IN THE DEPARTMENT OF PUBLIC
WORKS TO THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT**

1 **WHEREAS**, the West Wing Pump Station project within the Western Wing Sanitary
2 Service Area involves the construction of a .246 MGD (million gallons per day) average flow
3 pump station and the objective is to safely manage wastewater flow to treatment facilities and
4 prevent sewage backups; and

5
6 **WHEREAS**, funding is needed to match bid submissions for construction of the West
7 Wing Pump Station; and

8
9 **WHEREAS**, this legislation will enable the realignment of previously authorized bond
10 funding in the amount of \$1,500,000 from the White Clay System Rehabilitation Capital Project
11 and \$500,000 from the DelDOT Coordination Project 2021 Capital Project and previously
12 authorized state funding in the amount of \$1,500,000 from the Market Street System
13 Rehabilitation Bridge #9 Capital Project for a total amount of \$3,500,000 to the Southern Sewer
14 Service Area Capital Project; and

15
16 **WHEREAS**, the reductions to available authorizations in the existing projects is possible
17 due to the timing of planned projects or sunseting of projects.

18
19 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

20
21 Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2025 is
22 hereby amended by deleting the material stricken and adding the material underscored on the
23 attached Exhibit "A."

24
25 Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2025 is
26 hereby amended by deleting the material stricken and adding the material underscored on the
27 attached Exhibit "B."

28
29 Section 3. This Ordinance shall become effective immediately upon its adoption by
30 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. §*
31 1156.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will realign \$3,500,000 in previously authorized funding from existing Sewer/Stormwater Capital Projects in the Department of Public Works to the Southern Sewer Service Area Capital Project to match bid submissions for construction of the West Wing Pump Station in Middletown.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Capital Program and Budget by realigning \$1,500,000 from the White Clay System Rehabilitation Capital Project, \$1,500,000 from the Market Street System Rehabilitation Bridge #9 Capital Project and \$500,000 from the DeIDOT Coordination Project 2021 Capital Project for a total amount of \$3,500,000 to the Southern Sewer Service Area Capital Project.

The revised FY2026 Capital Budget amount for the White Clay System Rehabilitation Capital Project will be \$3,300,000. The revised FY2026 Capital Budget amount for the Market Street System Rehabilitation Bridge #9 Capital Project will be (\$1,500,000). The revised FY2026 Capital Budget amount for the DeIDOT Coordination Project 2021 Capital Project will be \$2,500,000. The revised FY2026 Capital Budget amount for the Southern Sewer Service Area Capital Project will be \$6,500,000.

This transfer of funding will have no fiscal impact on the FY2026 Capital Budget. The FY2026 New Castle County Capital Budget grand total will remain \$104,203,345. There is no material fiscal impact on the Operating Budget.

Acknowledged by the Chief Financial Officer November 13, 2025.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

25-154

DEPARTMENT OF ADMINISTRATION

Human Capital Management Platform	\$ 600,000
Land Use Information System	1,200,000
Reassessment 2024	2,000,000
Sewer and Tax Billing Replacement	2,300,000
Network Infrastructure Rearchitect and Upgrade	<u>1,150,000</u>
Subtotal	\$ 7,250,000

DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library Maker Space HVAC	\$ 200,000
Carousel Park Indoor Arena Footing	100,000
Glasgow Library	150,000
Newark Library	400,000
Surratte Pool Renovations 2026	<u>100,000</u>
Subtotal	\$ 950,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency	<u>\$ 675,000</u>
Subtotal	\$ 675,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment 2026-2027	\$ 400,000
Communications Upgrade 2026-2027	250,000
Public Safety Building Renovations	300,000
Public Safety Equipment 2026	136,000
Public Safety Vest Protection Program 2026	<u>302,448</u>
Subtotal	\$ 1,388,448

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2026-2027	\$ 3,500,000
Fleet Equipment 2021	(49,929)
Fleet Equipment 2022	(103,797)
Fleet Equipment 2023	(48,900)
Fleet Equipment 2024	(1,700,000)
Fleet Equipment 2026	6,577,658
Garage Renovations	2,500,000
General Roof Renovations	(75,000)
HVAC Replacement	2,800,000
Security 2021	500,000
Vehicle Lift System	<u>56,000</u>
Subtotal	\$ 13,956,032

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

25-154

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$	1,000,000
Bechtel Park Improvements		750,000
Carousel Park		150,000
Game Court Improvements 2021		150,000
General Parkland Improvements PRE2021		(650,000)
General Parkland Improvements 2021		(1,000,000)
General Parkland Improvements 2024		800,000
Glasgow Regional Park		1,500,000
Middle Run Valley Reforestation		150,000
Open Space Preservation		1,500,000
Play Area Improvements 2026-2027		1,000,000
Rockwood Park		500,000
Southern Regional Park		1,000,000
Subtotal	\$	6,850,000

Sewer/Stormwater

Airport Road System Rehabilitation	\$	3,000,000
Asset Management		400,000
Christina River Force Main		22,000,000
Countywide Drainage Problems		850,000
DelDOT Coordination Project 2021	—3,000,000.00	2,500,000
General Sewer Improvements		1,250,000
General Stormwater Improvements 2021		471,659
Manhole Rehabilitation		750,000
Market Street Rehab Bridge #9	—1,500,000.00	(1,500,000)
Pump Station Rehab 2026-2027		1,500,000
Richardson Park Pump Station Upgrade		17,679,097
Sewer Fleet Equipment 2023		(22,233)
Sewer Fleet Equipment 2024		(600,000)
Sewer Fleet Equipment 2026		2,755,342
Sewer Repairs and Rehabilitation 2026-2027		4,200,000
Southern Sewer Service Area	—3,000,000.00	6,500,000
Stoney Creek Basin Rehabilitation		600,000
Stormwater Basin Renovation II		2,500,000
Water Quality Improvement Plans		5,000,000
White Clay System Rehabilitation	—4,800,000.00	3,300,000
Subtotal	—73,133,865.00	\$ 73,133,865

CAPITAL BUDGET TOTAL	—104,203,345	\$ 104,203,345
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EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): White Clay System Rehabilitation (C301710)					
Description: Investigation and rehabilitation and/or replacement of the sanitary sewer assets.			Council Districts: 1, 2, 3, 5, 9		
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ 16,911,138	\$ -	\$ 708,012	\$ 850	\$ 17,620,000
FY2026	4,800,000	-	-		4,800,000
	<u>3,300,000</u>				<u>3,300,000</u>
FY2027	5,000,000	-	-	-	5,000,000
FY2028	2,000,000	-	-	-	2,000,000
FY2029	2,000,000	-	-	-	2,000,000
FY2030	2,000,000	-	-	-	2,000,000
FY2031	2,000,000	-	-	-	2,000,000
Future Years	12,000,000	-	-	-	12,000,000
Total	\$ 46,711,138	\$ -	\$ 708,012	\$ 850	\$ 47,420,000
	<u>\$ 45,211,138</u>				<u>\$ 45,920,000</u>
Available Authorizations:		\$ 7,190,627			
Available Funding:		\$ 1,027,951			
Operating Budget Impact:		\$ 10,560 \$ 7,260			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity:

Next phase of White Clay Sewer Basin rehabilitation; construction of the FMC Trunkline and lateral lining in the Red Clay sub-basin.

Future Activity:

Continued investigation, rehabilitation/replacement of sanitary sewer assets.

EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): DelDOT Coordination Project 2021 (C302112)					
Description: Replacement and repairs of sanitary sewer in coordination with DelDOT paving projects.				Council Districts: All	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ 2,653,727	\$ -	\$ -	\$ -	\$ 2,653,727
FY2026	3,000,000	-			3,000,000
	<u>2,500,000</u>				<u>2,500,000</u>
FY2027	3,000,000	-	-	-	3,000,000
FY2028	3,000,000	-	-	-	3,000,000
FY2029	3,000,000	-	-	-	3,000,000
FY2030	3,000,000	-	-	-	3,000,000
FY2031	2,000,000	-	-	-	2,000,000
Future Years	4,000,000	-	-	-	4,000,000
Total	\$ 23,653,727	\$ -	\$ -	\$ -	\$ 23,653,727
	<u>\$ 23,153,727</u>				<u>\$ 23,153,727</u>
Available Authorizations:		\$ 984,018			
Available Funding:		\$ 180,903			
Operating Budget Impact:		\$ 6,600 \$ 5,500			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity:

Design and construction of wastewater assets supporting DeIDOT's FY2026 Community Transportation Funded projects. Design and construction of advanced utility relocations for DeIDOT Pave and Rehab program/bridge projects and FY2026 analysis, design and repairs for unscheduled roadway issues.

Future Activity:

On-going agency coordination in partnership and support of the DeIDOT roadway improvement programs and County wastewater assets.

EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): Market Street System Rehabilitation Bridge #9 (C302301)					
Description: DeIDOT advance utility relocation for widening of Market Street Bridge.				Council Districts: 10	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000
FY2026	-	-	_____		_____
			(1,500,000)		_____ (1,500,000)
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
FY2030	-	-	-	-	-
FY2031	-	-	-	-	-
Future Years	-	-	-	-	-
Total	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000
			\$ _____ -		\$ _____ -
Available Authorizations:		\$ 1,500,000			
Available Funding:		\$ -			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity:

No planned activity.

Future Activity:

Continue to work with DeIDOT on plans.

EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): Southern Sewer Service Area (C309603)					
Description: Construction of sanitary sewer system south of the C&D Canal to include treatment plant, pump station, force mains and interceptor sewer lines.			Council Districts: 6, 12		
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ 66,623,844	\$ -	\$ 27,479,657	\$ 8,799,515	\$ 102,903,016
FY2026	2,700,000	-	-	300,000	3,000,000
	<u>6,200,000</u>				<u>6,500,000</u>
FY2027	1,000,000	-	-	-	1,000,000
FY2028	6,000,000	-	-	-	6,000,000
FY2029	1,000,000	-	-	-	1,000,000
FY2030	1,000,000	-	-	-	1,000,000
FY2031	5,000,000	-	-	-	5,000,000
Future Years	10,500,000	-	-	-	10,500,000
Total	\$ 93,823,844	\$ -	\$ 27,479,657	\$ 9,099,515	\$ 130,403,016
	<u>\$ 97,323,844</u>				<u>\$ 133,903,016</u>
Available Authorizations:		\$ 10,212,524			
Available Funding:		\$ (8,993,021)			
Operating Budget Impact:		\$ 5,940 \$ 13,640			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity:

Continue West Wing construction and the design of Wilmington Wastewater Treatment Plant discharge.

Future Activity:

Continue construction of the SSSA treatment and disposal improvements and consgtruct the West Wing sanitary sewer infrastructure.

ORDINANCE NO. 25-155

AMEND THE GRANTS BUDGET:

**APPROPRIATE \$35.46 IN MISCELLANEOUS INCOME AND REALIGN \$165,297.97
WITHIN THE FY2025 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED
BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES**

1 **WHEREAS**, State funds, through a contract with the Department of State, Delaware
2 Division of Libraries, are allocated to libraries to encourage the maintenance and
3 development of proper standards, including personnel standards, hours of operation, library
4 materials, collection standards and interlibrary resource sharing, and to provide for the
5 development of statewide public library services; and
6

7 **WHEREAS**, libraries must meet, or provide evidence of attempting to meet, the
8 minimum standards of operation as established by the Division of Libraries and approved by
9 the State Council on Libraries; and
10

11 **WHEREAS**, original allocated funding in the amount of \$2,841,311 from the
12 Department of State, Delaware Division of Libraries, was previously approved by County
13 Council and appropriated to the FY2025 State Aid for Libraries Grant via Ordinance 24-101;
14 and
15

16 **WHEREAS**, authorization is sought for the realignment of \$165,297.97 in State funds
17 and appropriation of \$35.46 in Miscellaneous Income within the FY2025 State Aid for
18 Libraries Grant for books, part-time salaries and security expenditures; and
19

20 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
21 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
22 promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the
23 present and future inhabitants of this State).
24

25 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
26

27 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
28 amended by deleting the material stricken and adding the material underlined on the attached
29 Exhibits "A" through "K."
30

31 Section 2. This Ordinance shall become effective immediately upon its adoption by
32 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.*
33 § 1156.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$35.46 in Miscellaneous Income and realign \$165,297.97 in State funds within the FY2025 State Aid for Libraries Grant. The appropriated miscellaneous income and realignment of funds will be used for books, part-time salaries and security expenditures.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$35.46 in Miscellaneous Income and realigning \$165,297.97 in State funds within the FY2025 State Aid for Libraries Grant.

This Ordinance, if approved, will increase the FY2026 Grants budget by \$35.46. The increase and the realignment will affect FY2026 only since the estimated program completion date is March 30, 2026. There is no anticipated fiscal impact on the Operating and/or Capital Budgets. The Miscellaneous Income balance after this appropriation will be \$0.

Acknowledged by the Chief Financial Officer November 12, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Library Administration		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 2,559,814.48	\$ 66,947.92	\$ 2,626,762.40
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ 35.46	\$ 35.46
Total	\$ 2,559,814.48	\$ 66,983.38	\$ 2,626,797.86

Expense	Current	Change	Revised
Salaries and Wages	\$ 1,026,028.00	\$ 9,380.10	\$ 1,035,408.10
Benefits	\$ 130,515.00	\$ (8,858.12)	\$ 121,656.88
Training/Civic Affairs	\$ 3,958.58	\$ (1,045.25)	\$ 2,913.33
Communication/Utilities	\$ 20,000.00	\$ (956.52)	\$ 19,043.48
Materials/Supplies	\$ 635,875.66	\$ 145,975.17	\$ 781,850.83
Contractual Services	\$ 667,087.17	\$ (6,593.00)	\$ 660,494.17
Equipment	\$ 75,850.07	\$ (70,556.10)	\$ 5,293.97
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 500.00	\$ (362.90)	\$ 137.10
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 2,559,814.48	\$ 66,983.38	\$ 2,626,797.86

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"B"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Appoquinimink Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 20,443.16	\$ (3,695.68)	\$ 16,747.48
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 20,443.16	\$ (3,695.68)	\$ 16,747.48

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,473.73	\$ (1,000.00)	\$ 473.73
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 4,419.43	\$ (437.31)	\$ 3,982.12
Contractual Services	\$ 14,550.00	\$ (2,258.37)	\$ 12,291.63
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 20,443.16	\$ (3,695.68)	\$ 16,747.48

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"C"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Bear Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 49,401.04	\$ (3,763.95)	\$ 45,637.09
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 49,401.04	\$ (3,763.95)	\$ 45,637.09

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 2,501.12	\$ (2,313.27)	\$ 187.85
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 23,736.30	\$ (1,100.68)	\$ 22,635.62
Contractual Services	\$ 18,363.62	\$ (350.00)	\$ 18,013.62
Equipment	\$ 4,800.00	\$ -	\$ 4,800.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 49,401.04	\$ (3,763.95)	\$ 45,637.09

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"D"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Claymont Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 14,984.30	\$ (2,941.76)	\$ 12,042.54
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 14,984.30	\$ (2,941.76)	\$ 12,042.54

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 586.00	\$ (268.20)	\$ 317.80
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 3,073.78	\$ (1,288.01)	\$ 1,785.77
Contractual Services	\$ 10,458.22	\$ (1,310.55)	\$ 9,147.67
Equipment	\$ 866.30	\$ (75.00)	\$ 791.30
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 14,984.30	\$ (2,941.76)	\$ 12,042.54

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"E"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Brandywine Hundred Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 82,380.85	\$ (16,405.08)	\$ 65,975.77
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 82,380.85	\$ (16,405.08)	\$ 65,975.77

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,611.15	\$ (82.00)	\$ 1,529.15
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 21,511.68	\$ (5,771.11)	\$ 15,740.57
Contractual Services	\$ 57,148.32	\$ (9,357.75)	\$ 47,790.57
Equipment	\$ 2,109.70	\$ (1,194.22)	\$ 915.48
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 82,380.85	\$ (16,405.08)	\$ 65,975.77

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"F"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Elsmere Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 14,430.00	\$ (1,476.97)	\$ 12,953.03
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 14,430.00	\$ (1,476.97)	\$ 12,953.03

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,218.52	\$ (1,190.00)	\$ 28.52
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 10,758.49	\$ (17.74)	\$ 10,740.75
Contractual Services	\$ 2,452.99	\$ (269.23)	\$ 2,183.76
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 14,430.00	\$ (1,476.97)	\$ 12,953.03

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"G"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Hockessin Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 18,728.50	\$ (7,374.75)	\$ 11,353.75
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 18,728.50	\$ (7,374.75)	\$ 11,353.75

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 4,484.50	\$ (2,215.00)	\$ 2,269.50
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 3,800.00	\$ (1,396.28)	\$ 2,403.72
Contractual Services	\$ 6,000.00	\$ (2,128.39)	\$ 3,871.61
Equipment	\$ 4,444.00	\$ (1,635.08)	\$ 2,808.92
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 18,728.50	\$ (7,374.75)	\$ 11,353.75

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

DEPARTMENT:	Community Services	EXHIBIT:	"H"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Kirkwood Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 22,199.18	\$ (7,021.45)	\$ 15,177.73
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 22,199.18	\$ (7,021.45)	\$ 15,177.73

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 3,651.18	\$ (2,650.00)	\$ 1,001.18
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 9,248.00	\$ (2,255.07)	\$ 6,992.93
Contractual Services	\$ 5,800.00	\$ (218.66)	\$ 5,581.34
Equipment	\$ 3,500.00	\$ (1,897.72)	\$ 1,602.28
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 22,199.18	\$ (7,021.45)	\$ 15,177.73

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"I"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Newark Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 29,589.49	\$ (12,924.66)	\$ 16,664.83
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 29,589.49	\$ (12,924.66)	\$ 16,664.83

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 4,771.49	\$ (3,594.57)	\$ 1,176.92
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 11,853.00	\$ (5,320.92)	\$ 6,532.08
Contractual Services	\$ 11,965.00	\$ (3,009.17)	\$ 8,955.83
Equipment	\$ 500.00	\$ (500.00)	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 500.00	\$ (500.00)	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 29,589.49	\$ (12,924.66)	\$ 16,664.83

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

DEPARTMENT:	Community Services	EXHIBIT:	"J"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Route 9 Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 11,701.00	\$ (5,981.02)	\$ 5,719.98
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 11,701.00	\$ (5,981.02)	\$ 5,719.98

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,254.00	\$ (1,082.65)	\$ 171.35
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 5,447.00	\$ (4,798.37)	\$ 648.63
Contractual Services	\$ 5,000.00	\$ (100.00)	\$ 4,900.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 11,701.00	\$ (5,981.02)	\$ 5,719.98

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"K"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Woodlawn Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 17,639.00	\$ (5,362.60)	\$ 12,276.40
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 17,639.00	\$ (5,362.60)	\$ 12,276.40

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,600.00	\$ (1,549.65)	\$ 50.35
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 10,039.00	\$ (3,317.78)	\$ 6,721.22
Contractual Services	\$ 6,000.00	\$ (495.17)	\$ 5,504.83
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 17,639.00	\$ (5,362.60)	\$ 12,276.40

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

ORDINANCE NO. 25-156

AMEND THE GRANTS BUDGET:

APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$9,640,323 FROM THE U.S. DEPARTMENT OF TREASURY TO THE SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT (SIPPRA) – THE FAMILY HOPE PROJECT GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

1 **WHEREAS**, the Family Housing Opportunities for Purposeful Empowerment Project
2 (“The Family HOPE Project”) - to implement the Social Impact Partnership to Pay for Results
3 Act (the “Act”), which established a new grant demonstration program to encourage funding
4 social programs that achieve results (the “SIPPRA program”); and
5

6 **WHEREAS**, the Family HOPE Project seeks to end family homelessness throughout
7 Delaware by building on the evidence base for long-term subsidies for permanent housing as a
8 solution for homelessness, while innovating on the deployment of rental assistance; and
9

10 **WHEREAS**, specific eligibility criteria are families who have (1) at least one adult age 19
11 and older, plus one or more child aged 15 and under (inclusive of pregnant caregivers);
12 (2) household income less than 50% of AMI in NCC; and (3) not currently receiving a rental
13 subsidy, housing voucher, or other form of public housing with no requirement that families need
14 to be former residents of New Castle County; and
15

16 **WHEREAS**, the project will provide rental assistance, disbursed as direct cash payments,
17 for 2 years to 120 families coupled with wraparound and case management services aiming to
18 ameliorate families’ housing cost burden, ultimately not exceeding contributions greater than
19 30% of their income toward housing costs; and
20

21 **WHEREAS**, the County Executive has determined that revenues anticipated to be
22 received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended;
23 and
24

25 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
26 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
27 promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present
28 and future inhabitants of this State).
29

30 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
31

32 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
33 by adding the material in Exhibit “A,” which is underscored in its entirety, which is attached hereto
34 and made a part hereof.
35

36 Section 2. This Ordinance shall become effective immediately upon its adoption by New
37 Castle County Council and approval by the County Executive, or as otherwise provided by 9 Del.
38 C. § 1156.
39

40 Section 3. It is the intent of County Council that the provisions of this Ordinance are
41 effective retroactive to September 16, 2025.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate anticipated federal funds of \$9,640,323 from the U.S. Department of Treasury to the Social Impact Partnerships to Pay for Results Act (SIPPRA) – The Family HOPE Project Grant. This funding seeks to end family homelessness throughout Delaware by building on the evidence base for long-term subsidies for permanent housing as a solution to homelessness, while innovating on the deployment of rental assistance.

It is the intent of County Council that the provisions of this Ordinance are effective retroactive to September 16, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$9,640,323 from the U.S. Department of Treasury to the Social Impact Partnerships to Pay for Results Act (SIPPRA) – The Family HOPE Project Grant.

The project aims to show government savings through increased housing retention and avoidance of shelter stays, which will determine the amount of money released by the U.S. Department of Treasury. The County will be reimbursed for project expenses through the intermediary Family HOPE LLC. Tech Impact, the independent evaluator, will use algorithms and data analysis to evaluate the project's performance against a control group which will determine the project's success and the subsequent release of funds from the U.S. Department of Treasury.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$9,640,323. This increase will affect FY2026 through FY2033 since the targeted program completion date of the program is December 31, 2032. There will be no fiscal impact beyond FY2033 as a result of the grant award.

Acknowledged by the Chief Financial Officer November 14, 2025.

DEPARTMENT:

GRANT TITLE:

PROGRAM TITLE:

Community Services
SIPPRA - The Family HOPE Project
SIPPRA - The Family HOPE Project

EXHIBIT:

Ordinance No.

"A"

25-156

Revenue	Current		Change		Revised
Federal	\$	9,640,323.00	\$	-	\$ 9,640,323.00
State	\$	-	\$	-	\$ -
County	\$	-	\$	-	\$ -
Program Income	\$	-	\$	-	\$ -
Other	\$	-	\$	-	\$ -
Total	\$	9,640,323.00	\$	-	\$ 9,640,323.00

Expense	Current		Change		Revised
Salaries and Wages	\$	234,494.29	\$	-	\$ 234,494.29
Benefits	\$	132,172.71	\$	-	\$ 132,172.71
Training/Civic Affairs	\$	-	\$	-	\$ -
Communication/Utilities	\$	-	\$	-	\$ -
Materials/Supplies	\$	-	\$	-	\$ -
Contractual Services	\$	3,164,112.00	\$	-	\$ 3,164,112.00
Equipment	\$	-	\$	-	\$ -
Grants/Fixed Charges	\$	6,109,544.00	\$	-	\$ 6,109,544.00
Land and Structures	\$	-	\$	-	\$ -
Contingency	\$	-	\$	-	\$ -
Operating Transfer Charges	\$	-	\$	-	\$ -
Operating Transfer Credits	\$	-	\$	-	\$ -
Total	\$	9,640,323.00	\$	-	\$ 9,640,323.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:

9/16/2025

Estimated Program Completion:

12/31/2032

The Local Match:

Found in (ORG):

Ordinance Passed:

Date Revised:

PROGRAM DESCRIPTION:

The SIPPRA Family HOPE Project, funded by the U.S. Department of the Treasury, seeks to end family homelessness throughout Delaware by building on the evidence base for long-term subsidies for permanent housing as a solution to homelessness, while innovating on the deployment of rental assistance.

Prime Sponsor(s): Ms. Kilpatrick, Mr. Tackett
Requested by: Land Use
Date of introduction: November 25, 2025

ORDINANCE NO. 25-157

**TO AMEND CHAPTER 7 (“PROPERTY MAINTENANCE CODE”)
OF THE NEW CASTLE COUNTY CODE**

1 **WHEREAS**, New Castle County is charged with the responsibility to protect the
2 health, safety and welfare of its citizens; and
3

4 **WHEREAS**, the Department of Land Use administers and enforces regulations
5 pertaining to the condition and maintenance of property, structures and buildings to
6 eliminate or prevent unsafe, unhealthy, unsanitary or substandard living conditions; and
7

8 **WHEREAS**, New Castle County Council has adopted prior editions of the
9 International Property Maintenance Code, together with certain amendments set forth in
10 Chapter 7 of the New Castle County Code; and
11

12 **WHEREAS**, the County desires to modernize its code enforcement by adopting
13 the 2024 edition of the International Code Council’s International Property Maintenance
14 Code, subject to localized amendments and to build upon established enforcement
15 mechanisms, administrative structures, and community-sensitive provisions; and
16

17 **WHEREAS**, adopting the 2024 International Property Maintenance Code, as
18 amended, will promote uniform enforcement, address local conditions, and further
19 safeguard the public health, safety, and welfare of the residents of New Castle County;
20 and
21

22 **WHEREAS**, the adoption of the 2024 International Property Maintenance Code
23 will help ensure consistency with nationally recognized standards and best practices for
24 property maintenance; and
25

26 **WHEREAS**, New Castle County Council finds that the provisions of this Ordinance
27 substantially advance and are rationally and reasonably related to legitimate government
28 interests including, but not limited to, the protection and preservation of the public health,
29 safety, prosperity, general welfare, and quality of life.
30

31 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
32

33 **Section 1.** The table of contents for *New Castle County Code* Chapter 7 (“Property
34 Maintenance Code”) is deleted in its entirety and replaced with the following, which shall
35 be considered underlined in its entirety:

36 Chapter 7

37
38 **PROPERTY MAINTENANCE**

39
40 **Article 1. Property Maintenance Code**

41
42 Sec. 7.01.001. Adoption of the 2004 International Property Maintenance Code.
43 Sec. 7.02.002. Amendments to the 2024 International Property Maintenance
44 Code.

45
46 Chapter 1. Scope and Administration.

47 Chapter 2. Definitions.

48 Chapter 3. General Requirements.

49 Chapter 4. Light, Ventilation and Occupancy Limitations.

50 Chapter 5. Plumbing Facilities and Fixture Requirements.

51 Chapter 6. Mechanical and Electrical Requirements.

52 Chapter 7. Fire Safety Requirements.

53 Chapter 8. Referenced Standards.

54
55 **Article 2. Registration and Payment of Fees for Vacant Premises**

56
57 Sec. 7.02.001. General.

58 Sec. 7.02.002. Registration requirement; registration statement.

59 Sec. 7.02.003. Annual registration renewal and registration fees; waiver of fees.

60 Sec. 7.02.004. Failure to register; registration by Department.

61 Sec. 7.02.005. Appeal rights.

62 Sec. 7.02.004. Duty to maintain property.

63 Sec. 7.02.007. Creation of line for unpaid charges, fees and penalties.

64
65 **Section 2.** *New Castle County Code* Chapter 7 ("Property Maintenance Code"),
66 Article 1 ("Standards for Property Maintenance"), is deleted in its entirety and replaced
67 with the following, which shall be considered underlined in its entirety.

68
69 **ARTICLE I. PROPERTY MAINTENANCE CODE**

70
71 **Sec. 7.01.001. Adoption of the 2024 International Property Maintenance Code.**

72
73 *The 2024 International Property Maintenance Code*, published by the International Code
74 Council, Inc., is hereby adopted as the *New Castle County Property Maintenance Code*,
75 for the control of premises, buildings and structures as herein provided. All the sections,
76 conditions, and terms of the *2024 International Property Maintenance Code*, are hereby
77 referred to, adopted and made a part of this Chapter as if fully set out herein, with the
78 additions, insertions, deletions, and changes, as prescribed in Sec. 7.01.002.

Sec. 7.01.002. Amendments to the 2024 International Property Maintenance Code.

Certain sections and subsections of the *2024 International Property Maintenance Code*, adopted in Sec. 7.01.001, are amended as described herein.

CHAPTER 1. SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 101–SCOPE AND GENERAL REQUIREMENTS

101.1 *Title* is amended by deleting the subsection in its entirety and substituting the following:

101.1 *Title*. The provisions adopted herein, including the *2024 International Property Maintenance Code*, as those provisions may be amended from time to time, shall be known as the *New Castle County Property Maintenance Code*, and hereafter referred to as “this code.”

101.2 *Scope* is amended by deleting the subsection in its entirety and substituting the following:

101.2 *Scope and Jurisdiction*. This code shall apply to all existing residential and non-residential structures and premises located in unincorporated New Castle County and in any of the incorporated municipalities that opt to have New Castle County provide property maintenance code enforcement services. This code constitutes the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants, the occupancy of existing structures and premises, and for the administration, enforcement and penalties.

A new subsection 101.5 is added as follows:

101.5 *Intent*. The provisions of this code shall be construed to ensure to the greatest extent possible the public health, safety and welfare insofar that they are impacted by the condition, use, and occupancy of buildings, structures, premises, equipment, and systems.

A new subsection 101.6 is added as follows:

101.6 *No liability created*. Nothing in this code shall create any liability for loss or damage resulting from the failure of the County to perform any responsibility set forth in this code or obligate the County to make any appropriation or expend any money for any purpose set forth in this code.

A new subsection 101.7 is added as follows:

101.7 Representation and indemnification. The code official, employees charged with administration and enforcement of this code, and members of the Board of License, Inspection and Review who are subject to a civil or criminal action arising from the performance of his or her duties shall have a right to representation and indemnification pursuant to *New Castle County Code* § 2.03.200 (“Indemnification of County officers and employees”).

A new subsection 101.8 is added as follows:

101.8 Time. For the purposes of computing time, the following rules apply.

101.8.1 Computation. When the period is stated in days or a longer unit of time:

1. exclude the day of the event that triggers the period;
2. count every day, including intermediate Saturdays, Sundays, and any other day the County is closed for business; and
3. include the last day of the period, but if the last day is a Saturday, Sunday, or any other day on which the County is closed for business, the period continues to run until the end of the next day when the County is open for business.

101.8.2 Additional time after service by mail. Whenever a person responsible is required to do some act within a prescribed period after being served with a decision, notice, order or directive, and service is by first class mail, 3 days shall be added to the prescribed period. This provision shall not apply if a date for such act is explicitly provided in the decision, notice, order or directive.

A new subsection 101.9 is added as follows:

101.9 Number. A word importing only the singular number may extend and be applied to several persons or things, as well as to one person or thing; a word importing only the plural number may extend and be applied to one person or thing, as well as to several persons or things.

SECTION 102–APPLICABILITY

102.3 Application of other codes is amended by deleting the subsection in its entirety and substituting the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the provisions of *New Castle*

County Code chapters 6, 12, 19, 38 and 40. Nothing in this code shall be construed to cancel, modify or set aside any provisions of chapter 40.

102.7 *Historic Buildings* is amended by deleting the subsection in its entirety and substituting the following:

102.7 *Historic Buildings*. The provisions of this code are not mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare and when the code provisions would otherwise affect the historic integrity of the structure, as determined in conjunction with the Historic Review Board. The provisions of this code shall not be construed to override statutes, laws, ordinances, rules or regulations with respect to the architectural or design integrity of buildings which have been designated as historic structures or which have historical significance, provided that such structures are maintained in good condition and repair and are not a threat to the health, welfare or safety of the occupants of the premises or the general public. This subsection is to be read and enforced in conjunction with subsection 102.7.1

A new subsection 102.7.1 is added as follows:

102.7.1 *Maintenance of property in historic overlay zoning districts—demolition by neglect*. The owner, lessee, or other person in charge of a structure or property in historic overlay zoning districts shall comply with all applicable codes, laws and regulations governing the maintenance of property, with the exception set forth in 102.7 (“Historic Buildings”). No officially designated historic structure or contributing structure on property within an historic overlay zoning district shall be allowed to deteriorate due to neglect by the owner, lessee or other person in charge. Demolition by neglect shall include any one or more of the following courses of action or inaction: a) deterioration of the structure's exterior to the extent that it creates or permits a hazardous or unsafe condition; b) deterioration of exterior walls or other vertical supports, roofs, chimneys, horizontal members, exterior wall elements including, but not limited to, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic structure or could lead to irreversible damage to the structure; c) defective or insufficient weather protection for the exterior walls roofs foundations, doors and windows, including broken windows or doors and including lack of paint or other protective covering on exterior walls; or d) other appropriate property maintenance standards. The code official shall proactively inspect all properties subject to this subsection, twice annually, or as determined by the code official, from a list provided by the Historic Review Board, cite all violations as customary or as required in conjunction with the Historic Review Board as set forth above and promptly submit a written report on each violation with photographic documentation on each inspection to the Historic Review Board.

A new subsection 102.12 is added as follows:

102.12 *Effect upon suits, proceedings, rights, liabilities.* Nothing in this code shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost impaired or affected by this code.

A new subsection 102.13 is added as follows:

102.13 *Savings clause.* This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 103–CODE COMPLIANCE AGENCY

103.1 *Creation of Agency* is amended by deleting the subsection in its entirety and substituting the following:

103.1 *The Department of Land Use Code Official.* The Department of Land Use shall be in charge in the implementation, administration, and enforcement of the provisions of this code. The General Manager of the Department of Land Use, or person designated by the General Manager, shall be the code official for all purposes described in this code.

103.2 *Appointment* is amended by deleting the subsection in its entirety and substituting the following:

103.2 *Official Records.* The Department of Land Use shall keep official records as required by law.

103.3 *Deputies* is amended by deleting the subsection in its entirety and substituting the following:

103.3 *Deputies.* The code official may designate inspectors, code enforcement officers, deputy code officials, hearing officers, and other Department employees the power to discharge any aspect of the code official's power and authority necessary for the proper administration and enforcement of this code.

SECTION–104 FEES

104.1 *Fees* is amended by deleting the subsection in its entirety and substituting the following:

104.1 *Administrative fees*. The code official is authorized to establish fees for activities and services performed by the Department related to the implementation, administration and enforcement of this code.

104.2 *Refunds* is amended by deleting the subsection in its entirety and substituting the following:

104.2 *Refunds and waivers*. The code official is authorized to refund or waive administrative fees, in whole or in part, pursuant to Department policies and procedures.

A new subsection 104.3 is added as follows:

104.3 *In forma pauperis (IFP) status*. Upon receipt of an Application to Proceed without Prepaying Fees or Costs, the code official is authorized to grant an applicant IFP status for good cause shown and pursuant to Department policies and procedures.

A new subsection 104.4 is added as follows:

104.4 *Appendix*. Administrative fees shall be as stated in the Appendix. The Appendix shall be maintained by the Department and shall be amended from time to time as deemed necessary by the code official. Notice of any change to the Appendix shall be published on the New Castle County website at least 30 calendar days before such change is to be effective.

SECTION 105–DUTIES AND POWERS OF THE CODE OFFICIAL

A new subsection 105.2.4 is added as follows:

105.2.4 *Approved materials and equipment*. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

A new subsection 105.2.4.1 is added as follows:

105.2.4.1 *Materials and equipment reuse*. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

105.5 *Notices and Orders* is amended by deleting the subsection in its entirety and substituting it with the following:

105.5 *Notices, orders and directives*. The code official is authorized to issue all necessary notices, orders and directives to ensure compliance with this code, a permit, certificate, or license issued by the code official, any report, detailed statement, or plan accepted and approved by the code official, and any written decision issued by the code official.

A new subsection 105.5.1 is added to read as follows:

105.5.1 *Corrections*. The code official may correct any mistake or error in a notice, order, directive, or decision arising from oversight or omission at any time on the code official's own initiative or upon the request of the person subject to the notice, order, directive or decision.

105.6 (*Official Records*) is amended by deleting it in its entirety and substituting it with the following:

105.6 *Inspections*. The code official is authorized to conduct inspections or to accept reports of inspections by agencies or individuals approved by the code official. Reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual.

105.6.1 *Approvals* is amended by deleting the subsection in its entirety.

105.6.2 *Inspections* is amended by deleting the subsection in its entirety.

105.6.3 *Code alternatives and modifications* is amended by deleting the subsection in its entirety.

105.6.4 *Tests* is amended by deleting the subsection in its entirety.

105.6.5 *Fees* is amended by deleting the subsection in its entirety.

105.7 *Liability* is amended by deleting the subsection in its entirety and substituting the following:

105.7 *Administrative enforcement*. The code official is authorized to enforce violations of this code through an administrative enforcement process.

Subsection 105.7.1 *Legal Defense* is amended by deleting the subsection in its entirety.

A new subsection 105.7.1 is added as follows:

105.7.1 *Corrective measures*. The code official is authorized to compel correction of violations by ordering the person responsible to make corrective measures and establishing a compliance date for the completion of corrective measures.

A new subsection 105.7.2 is added as follows:

105.7.2 *Extensions*. The code official is authorized to grant compliance date extensions, in writing, for justifiable cause.

A new subsection 105.7.3 is added as follows:

105.7.3 *Abatement*. The code official is authorized to abate violations of this code or employ the necessary labor and materials to abate violations.

A new subsection 105.7.4 is added as follows:

105.7.4 *Demolition*. The code official is authorized to demolish, or employ the necessary labor and materials to demolish, a building or structure that is so old, dilapidated or has become so out of repair and is dangerous, unsafe, unsanitary and otherwise unfit for human habitation or occupancy.

A new subsection 105.7.5 is added as follows:

105.7.5 *Code enforcement fees*. The code official is authorized to assess code enforcement fees for violations of this code.

A new subsection 105.7.5.1 is added as follows:

105.7.5.1 *Refunds and waivers*. The code official is authorized to refund or waive code enforcement fees, in whole or in part, pursuant to Department policies and procedures.

A new subsection 105.7.6 is added as follows:

105.7.6 *Not in Good Standing designation*. The code official is authorized to designate a person as “Not in Good Standing” when such person is delinquent in the payment of monies owed to the County or has been found to be in violation of this code.

A new subsection 105.7.7 is added as follows:

105.7.7 *Withholding Department services*. The code official is authorized to withhold any Department service, or place conditions and limitations on any Department service, requested by any person with a “Not in Good Standing” designation.

A new subsection 105.7.8 is added as follows:

105.7.8 *Notice of Unpermitted Structure or Structure Without a Certificate of Occupancy*. The code official is authorized to record a document in the New Castle County Office of the Recorder of Deeds documenting a violation of building without a permit or occupying a structure without a certificate of occupancy.

A new subsection 105.7.9 is added as follows:

105.7.9 *Administrative reviews and appeals*. The code official is authorized to establish review and appeal process wherein a person responsible who is aggrieved by a decision of the code official may seek review of the code official’s decision.

105.8 *Approved materials and equipment* is amended by deleting the subsection in its entirety and substituting the following:

105.8 *Judicial proceedings.* The code official is authorized to institute, or cause the County Attorney to institute, a judicial proceeding in a court of competent jurisdiction against any person violating the provisions of this code to prevent, restrain, correct, abate, remove, or enjoin any violation of the provisions of this code.

105.8.1 *Materials and equipment reuse* is amended by deleting the subsection in its entirety.

A new subsection 105.9 is added to read as follows:

105.9 *Incidental Authority.* The code official is authorized to exercise any duty or power granted by any other section of this code or any provision of the *New Castle County Code* and shall have those duties and powers incidental to or necessary for the exercise of any duty or power explicitly granted.

SECTION 106—MEANS OF APPEAL is deleted in its entirety.

A new SECTION 106 is added as follows:

SECTION 106—VIOLATIONS

106.1 *Violation.* It shall be a violation to construct, repair, maintain, occupy, or use a building, structure, premises, equipment, or system, or part thereof, in violation of this code, a notice or order of the code official, a permit, certificate, or license issued by the code official, any report, detailed statement, or plan accepted and approved by the code official.

106.2 *State of mind.* There is strict liability for violations of this code. It shall be unnecessary to prove the state of mind of person responsible regarding the failure to comply with any provision of this code. Lack of knowledge of a code requirement shall neither be a defense nor a mitigating factor when determining remedial measures or the imposition of fines or code enforcement fees.

106.3 *Administrative enforcement.* Any person violating the provisions of this code may be subject to the administrative enforcement proceedings and penalties provided in this code.

106.3.1 *Administrative penalties not exclusive of other administrative penalties.* The imposition of an administrative penalty shall not preclude the code official's authority to impose any other administrative penalty.

106.4. *Criminal enforcement.* In addition to, or in lieu of, proceeding with administrative enforcement for a violation of this code, a code enforcement officer may bring criminal charges in the Justice of the Peace Court by issuing a summons to a person the officer has reasonable grounds to believe has committed a violation or offense of this code. Only upon conviction shall the defendant have the right to appeal to the Court of Common Pleas.

106.4.1 *Dismissal of charges.* Any person subject to criminal proceedings under this code may avoid the same upon presenting sufficient evidence to the code enforcement officer to establish that the alleged violation has been corrected. If sufficient evidence is presented prior to trial, the County may enter a *nolle prosequi* with or without prejudice.

106.4.2 *Voluntary assessment.* Any summons issued by a code enforcement officer may provide that, in lieu of appearing in court, the offender may correct the offense(s) and remit a voluntary assessment of up to \$200.00 for each offense cited. The summons may provide that each day such violation continues shall constitute a separate offense.

106.4.3 *Court imposed penalties.* Any person convicted of a violation of this code shall be subject to the following fines and may be subject to restitution or such other conditions as the court deems appropriate:

1. For the first conviction, the penalty shall be a fine of not less than \$250.00 nor more than one thousand dollars \$1,000.00.
2. For the second conviction for the same offense, the penalty shall be a fine of not less than \$500.00, nor more than \$2,500.00.
3. For all subsequent convictions for the same offense, the penalty shall be a fine of no less than \$1,000.00 nor more \$5,000.00. The unpaid fine amounts may be considered a tax lien and collected in the same manner as other County real estate taxes. "Fines" as used in this section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 *Del. C.* § 4101 (Payment of fines, costs and restitution upon conviction), 25 *Del. C.* § 2901 et seq. (Liens of the State and/or its political subdivisions) or 9 *Del. C.* § 2907 et seq. (Abatement; creation of tax lien).

106.5 *Civil enforcement.* Any person violating the provisions of the code may be subject to a civil proceeding instituted by the County Attorney. In addition to available remedies at law, the County Attorney may apply for injunctive relief to prevent, abate, or enjoin any violation of the provisions of this code.

106.6 *Cost recovery/restitution.* In any administrative enforcement proceeding or judicial action, the County may seek the recovery of fines, code enforcement fees, actual damages, expert witness costs, court costs, prejudgment and post judgment interest, and

reasonable attorney fees. The violator shall also be responsible for costs incurred by the County in preventing, abating, or enjoining code violations and the costs of demolishing buildings and structures.

106.7 Additional Remedies. Administrative enforcement proceedings and the imposition of administrative enforcement measures shall not preclude the Attorney General, County Attorney, or code official from instituting appropriate criminal or civil actions or proceedings to prevent, enjoin or abate any violation of the code.

SECTION 107–VIOLATIONS is deleted in its entirety.

A new SECTION 107 is added as follows:

SECTION 107–ADMINISTRATIVE ENFORCEMENT PROCEEDINGS AND PENALTIES

107.1 Decisions, notice, orders and directives. The code official shall issue such decisions, notices, orders and directives necessary for proper administration and enforcement of this code.

107.1.1 Removal of notices, orders, and placards. Posted notices, orders, and placards affixed on any building, structure, or equipment by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.1.2 The removal of a notice, order or placard shall be a violation of this code and any person who defaces or removes a notice, order or placard without the approval of the code official shall be subject to the penalties provided by this section or a fine of up to \$1,000 per occurrence.

107.1.3 The code official shall remove, or authorize the removal of notices, orders, and placards whenever the violation, defect or defects upon which the noticing action were based have been corrected

107.2 Violation notice. Whenever the code official determines that there has been a violation of this code, or has grounds to believe that a violation exists, a violation notice shall be issued to the person responsible.

107.2.1 Exceptions. A violation notice is not required in the following situations:

1. The violation is reoccurring and the person responsible was issued a violation notice for the same violation within the preceding one-year period calculated from the date of the violation notice.

2. The violation is continuous and the person responsible was issued a violation notice for the same violation regardless of the amount of time the violation remains uncorrected.
3. A violation exists or is reasonably believed to exist, because work is being done in an unsafe or dangerous manner, or jeopardizes the health, safety or welfare of the public, or is being done (or was done) in the absence of a necessary permit, license, or registration.
4. The code official issues a notice, order, or placard pursuant to Section 108 (Stop Work Order), Section 109 (Unsafe Structures and Equipment), or Section 110 (Emergency Measures).

107.2.2 *Content of Violation Notices.* Violation notices shall include the following information:

1. Description of the property sufficient for identification;
2. Statement of the violation;
3. Correction order or directive to eliminate the violation;
4. A reasonable time for correction of a violation. If no compliance date is stated in the notice, the compliance date shall be deemed 15 days from the date of service;
5. A statement of the right to seek an administrative review of the notice;
6. Notice that failure to timely comply with the correction order may result in the County taking corrective measures and the assessment of code enforcement fees; and
7. Notice of the County's right to file a lien against the property for unpaid code enforcement fees.

107.3 *Method of Service.* Decisions, notices, orders, and directives issued by the code official shall be deemed to be properly served where a copy thereof is served upon the person responsible in accordance with one of the following methods:

1. Personally.
2. By first class mail to the last known address of the person responsible.
3. By certified or registered mail to the last known address of the person responsible.

4. Posted at the entrance or in a conspicuous place in or about the premises, building or structure on the property where the violation(s) exist.
5. Leaving it in the possession of an adult in apparent or actual charge of the premises, building, or structure.
6. Delivered in any other manner as prescribed by law for legal service. Corporations may be served by delivering the notice to the corporation's registered agent.
7. Service of notice upon the authorized agent or legal representative of the person responsible shall constitute service upon the person responsible.
8. After a violation notice is issued pursuant to one of above methods, decisions, notices, orders and directives may be served via electronic mail at the request of the person responsible.

107.4 *Proof of Service.* The person responsible for service of the decision, notice, order or directive is authorized to certify the method and date of service.

107.5 *Compliance date extensions.* Application for an extension of a compliance date may be made in writing to the code official.

107.5.1 *Justifiable cause required.* The applicant must demonstrate justifiable cause and explain all pertinent surrounding circumstances including reasons for the delay, plans for completion, and what actions the applicant has taken to correct the problem.

107.5.2 *Approval and conditions.* Extensions shall be at the discretion of the code official and shall be in writing. The code official may set conditions on any extension granted.

107.5.3 *Extension Fee.* A fee as set forth in the Appendix shall be charged for each extension.

107.6 *Inspections.* The code official shall perform necessary inspections to determine whether a violation has been timely corrected.

107.6.1 *Reinspection fees.* The code official is authorized impose a reinspection fee for each inspection that confirms the violation has not been corrected by the compliance date.

107.6.1.1 *No charge for the first reinspection.* The code official may impose a reinspection fee for each inspection after the second inspection that confirms the existence of the violation.

107.6.1.2 *Exception for citation penalties.* The code official shall not impose a reinspection fee if the violation is subject to the citation process and a civil penalty has been issued for the violation.

107.6.2 *New violation.* Any new violation found during a reinspection shall be separately noticed. A continuing violation shall not be considered a new violation.

107.7 *Occupancy not required.* The code official may issue a violation notice and assess administrative penalties regardless of whether the property owner resides upon the property, and regardless of whether the property is developed, occupied, or is a vacant lot.

107.8 *Requesting administrative review of a violation notice.* Any person receiving a violation notice may contest the existence of the violation by timely requesting an administrative review within the following timeframe:

1. Within 10 days of the date of the violation notice for violations subject to citation.
2. For all other violations, by the compliance date stated in the violation notice or if no compliance date is specified, within 10 days of the date of the violation notice.

107.8.1 *Review.* Violation notices shall be contested in writing in accordance with the provisions of 107.9.4.2

107.8.2 *Fee.* The applicable application review fee is stated in the Appendix and shall be waived if the applicant prevails on all issues under review.

107.9 *Violations subject to the citation process.* The code official is authorized to assess a civil penalty for any violation of the following subsections of this code that remain uncorrected after 10 days following the issuance of a violation notice:

- 302.1 Sanitation.
- 302.4 Prohibited growth of grass and weeds.
- 302.7 Accessory Structures.
- 302.8.3 Inoperable or unregistered vehicles.
- 302.8.4 Oversized vehicle parking.
- 302.8.6 Parking of vehicles.
- 302.10 Outside storage of household items.
- 302.11 Outside storage of debris.
- 302.12 Encroachment on sidewalk.
- 302.16 Portable temporary storage units.
- 303.1 Swimming pools.
- 308.1 Accumulation.
- 308.2 Disposal of rubbish.

107.9.1 *Continuing violation.* A civil penalty may be issued for any subsequent 10-day period in which the violation exists until the violation is corrected. The code official shall not be required to issue more than one violation notice for a continuing violation unless there is a change in ownership of the property.

107.9.2 *Civil penalty amount.* If the violation remains uncorrected, the civil penalty amount may increase with each subsequent citation in the following amounts:

1. \$50.00 for the first citation.
2. Up to \$75.00 for a second citation for the same violation issued within one year of the date of the violation notice.
3. Up to \$100.00 for subsequent citations issued for the same violation within one year of the date of the violation notice.
4. The amount due shall double if not paid within 30 calendar days from the date of the citation.

107.9.3 *Exempt property.* Maintenance corporations established to maintain private open space and common facilities in residential subdivisions shall not be issued citations.

107.9.4 *Administrative review.* The person responsible may seek an administrative review of the assessment of civil penalty through the citation process.

107.9.4.1 *Time.* The request for review shall be submitted within 10 days from the date of assessment of the civil penalty.

107.9.4.2 *Review.* The civil penalty shall be contested in writing.

1. A detailed written explanation including any relevant information or evidence must timely be submitted by mail, uploaded online, or hand delivered to the New Castle County Government Center c/o Hearing Officer.
2. After the application deadline but prior to the issuance of the written decision, the hearing officer may accept supplemented material at the hearing officer's discretion.
3. Administrative reviews shall occur by the hearing officer's examination of the person responsible's written submission, the citation and any other notices relating to the citation, including attachments thereto, that were previously served upon the person responsible and public records.

697 4. An in-person hearing may be requested at the time of application for good
698 cause shown and granted at discretion of the hearing officer or as matter of
699 reasonable accommodation.
700

701 5. The hearing officer shall issue a written decision within 20 days of receipt
702 of the request for review.
703

704 107.9.4.3 *Review Fee*. The applicable fee is stated in the Appendix and shall be
705 waived if the applicant prevails on all issues under review.
706

707 107.10 *Administrative review prior to imposition of administrative enforcement*
708 *measures*. The code official is authorized to impose the following administrative
709 enforcement measures and penalties for any violation of this code.
710

711 107.10.1 *Hearing required*. The person responsible shall be provided an opportunity
712 to be heard at an administrative hearing to contest the violation prior to the imposition
713 of the following administrative enforcement measures.
714

715 107.10.2 *Virtual hearings*. Administrative hearings shall be conducted virtually
716 subject to Department policies and procedures. The person responsible shall be
717 provided the opportunity to participate by telephone.
718

719 107.10.3 *In-person hearings*. A request for an in-person hearing may be granted for
720 good cause shown, as matter of reasonable accommodation, or at the discretion of
721 the hearing officer.
722

723 107.10.4 *Conduct of hearing*. Administrative review proceedings are informal but may
724 be subject to rules of procedure for the conduct of the proceedings.
725

726 1. The person responsible may be self-represented, represented by counsel, or
727 may be assisted by a spokesperson.
728

729 2. The hearing officer shall hear testimony and accept evidence from the
730 Department regarding the reasons for issuance of the notice that is under
731 review. The person responsible shall be provided an opportunity to cross-
732 examine witnesses concerning any evidence that is used to support the
733 issuance of the notice. The person responsible shall then be provided an
734 opportunity to demonstrate that the notice was issued erroneously. The
735 hearing officer may question any witness at any time.
736

737 3. The hearing shall proceed if the person responsible fails to appear upon a
738 showing by the Department that proper notice was provided.
739

740 107.10.5 *Dismissal of action*. The hearing officer may dismiss the administrative
741 enforcement action upon finding:

1. The violation did not occur.
2. The violation was timely corrected.
3. The true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted.
4. The notice contains an error of fact or law.
5. The provisions of this code do not fully apply.
6. An equivalent or better form of construction is proposed.

107.10.6 *Review fee*. The applicable review fee is stated in the Appendix and shall be waived if the person responsible prevails on all issues under review.

107.10.7 *Administrative decisions*. If the administration enforcement action is not dismissed following an administrative review, the hearing officer shall issue a written decision and detail the reasons for any adverse action taken and or that may occur absent compliance. The decision shall contain:

1. findings relied on by the hearing officer when rendering the decision; and
2. directives for the correction of the violation (if applicable).

107.11 *Administrative enforcement measures*. After the issuance of a written decision, the code official is authorized to impose any of the following measures if the person responsible fails to timely comply with the code official directives or orders.

107.11.1 *Civil penalties*. The code shall be authorized to issue a penalty assessment notice.

1. *Civil penalty amount for unlawful removal*. The removal of a notice, order, or placard shall be subject to a \$1,000 civil penalty per occurrence.
2. *Civil penalty amount*. For other code violations, each day a violation continues the amount per violation shall be up to \$100.

107.11.2 *Abatement*. The code official is authorized to issue abatement orders and notices to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of a building, structure or premises. If the person responsible for a premises fails to comply with an abatement order or notice within the time prescribed, the code official may cause the abatement of the violation either through an available public agency or by contract or arrangement with private persons.

107.11.3 *Demolition*. The code official is authorized to issue demolition orders and notices where any building or structure is so old, dilapidated or has become so out of repair and is dangerous, unsafe, unsanitary and otherwise unfit for human habitation or occupancy. If the person responsible for a premises fails to comply with a demolition order or notice within the time prescribed, the code official may cause the structure to be demolished or removed, either through an available public agency or by contract or arrangement with private persons

107.11.4 *Cost recovery*. The code official is authorized to pursue the recovery and collection of costs for the abatement of a violation or demolition of a building or structure.

107.11.4.1 *Recoverable Costs*. The person responsible for the building, structure, premises, equipment, or system shall be responsible for:

1. Costs associated with investigation, removal, remediation, sampling, monitoring, of the violation including the costs of reports, studies, and opinions prepared by design professionals, the institution and maintenance of temporary safeguards or emergency repairs, restoration of unsafe buildings, structures, equipment or systems, abatement, and demolition ordered by the code official.
2. Administrative fees for processing vendor requests and providing vendor services.

107.11.4.2 *Property lien*. Upon completion of remedial work, the person responsible shall be provided the opportunity to reimburse the County for recoverable costs. If the person responsible fails to reimburse the County within 30 days after notice requesting reimbursement is sent, such amount may be charged against the real estate upon which abatement or demolition occurred. Liens may be collected by any available legal recourse.

107.11.5 *Designating an entity as Not in Good Standing*. The code official is authorized to issue a notice designating a person as Not in Good Standing when such person is delinquent in the payment of monies owed to the County or has been found to be in violation of this code

107.11.5.1 *Withholding Department services*. The code official is authorized to withhold any Department service, or place conditions and limitations on any Department service, requested by any person that holds a Not in Good Standing designation ("person designated.")

107.11.5.2 *Refusal to issue any further building permits or certificates of occupancy*. The code official may refuse to grant any further building permits or certificates of occupancy to the person designated, to any corporation, partnership, joint venture, or other legal entity with which the person designated

has a controlling interest (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies of a corporation, partnership, committee, club or other organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit, including disposition of its assets or any interest representing more than 5% of a corporation, partnership, committee, club or other organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit), or to any business entity formed by the person designated in an attempt to circumvent the effect of this penalty. The code official is authorized to withhold additional permits only until the person designated remedies the code violations.

107.11.6 Notice of Unpermitted Structure or Structure Without a Certificate of Occupancy. The code official is authorized to record a document in the Office of the Recorder of Deeds in and for New Castle County documenting a violation of building without a permit or occupying a structure without a certificate of occupancy.

107.11.6.1 Notice required. The code official shall provide notice of the intent to record the document to the person responsible no less than 20 days prior to recordation. Separate notice shall not be required if the code official includes the intent to record a document in any order, directive or decision.

107.11.7 Measures specific to abandoned vehicles. The code official is authorized to remove or cause the removal of an abandoned vehicle from private property pursuant to subsection 302.8.4 ("Towing inoperable, unregistered or abandoned vehicles from private property").

107.11.8 Measures stated in this code. The code official is authorized to impose any other measure provided in this code.

107.12 Unpaid code enforcement fees. Unpaid code enforcement fees assessed by the code official may be collected in the same manner as property taxes pursuant to 25 *Del. C.* § 2901 ("Liens of taxes and other charges; Notice of Lien"), 9 *Del. C.* § 2907 ("Abatement; creation of tax lien"), *New Castle County Code* § 14.02.004 ("Collection of code enforcement fees"), and applicable County policies & procedures.

107.13 In forma pauperis (IFP) status. If an applicant is financially unable to pay an administrative fee, the applicant may request that the code official grant the applicant IFP status.

107.13.1 IFP application. The applicant must fully complete the Application to Proceed without Prepaying Fees and provide an affidavit that contains the following information and statements:

1. The affiant's identity, source, and amount of all of the affiant's income.
2. Household income including spouse's income.

- 880
- 881 3. All real and personal property owned either individually or jointly.
- 882
- 883 4. All cash or bank accounts held either individually or jointly, any dependents of
- 884 the affiant.
- 885
- 886 5. All debts and monthly expenses of the affiant.
- 887
- 888 6. A statement that the information in the affidavit is true, correct, and complete
- 889 and made under penalty of perjury.
- 890
- 891 7. A statement that the affiant agrees that intentionally omitting or falsifying
- 892 information on the affidavit shall result in denial of the fee waiver request.
- 893

894 107.13.2 *Good cause shown.* The code official may request additional information or

895 documentation from the applicant as the code official deems necessary to

896 demonstrate the applicant's need for the fee waiver. An applicant's failure to

897 demonstrate good cause or to provide requested information shall result in denial of

898 the fee waiver request.

899

900 107.13.3 *Validity.* A fee waiver shall be valid through the continuation of the same

901 matter. An applicant must submit a fee waiver request for each new matter.

902

903 107.14 *Stays of administrative enforcement measures.* A person responsible may

904 request a stay of the imposition of administrative enforcement measures while a

905 decision of the code official is undergoing administrative or judicial review. A written

906 request must be submitted to the code official.

907

908 107.14.1 *Approval.* The stay shall be considered automatically approved on the

909 day received by the code official unless the code official determines that granting

910 the stay would jeopardize the health, safety or welfare of the public and notifies the

911 applicant of the denial of the stay within 20 days of the stay request.

912

913 107.14.2 *Duration of stay.* The stay shall remain in place until the resolution of the

914 administrative or judicial review of the matter and the expiration of any applicable

915 appeal period.

916

917 107.14.3 *Operation of stay.* The code official shall not impose any administrative

918 enforcement measures for the matter during the stay.

919

- 920 1. *Exception.* The code official may impose any administrative enforcement
- 921 measure the code official determines is necessary to protect the health
- 922 safety and welfare of the public.
- 923

924 107.14.4 *Limits of stay; no retroactivity.* A stay shall not operate to eliminate or

925 reduce code enforcement fees incurred prior to placement of the stay or limit the

code official's authority to pursue enforcement regarding any other violation not specifically part of the matter under administrative or judicial review.

SECTION 108—STOP WORK ORDER

108.4 *Failure to comply* is amended by deleting the subsection in its entirety and substituting the following:

108.4 *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to any of the enforcement actions available in this code.

SECTION 109—UNSAFE STRUCTURES AND EQUIPMENT

109.1.1 *Unsafe Structures* is amended by deleting the subsection in its entirety and substituting the following:

109.1.1 *Unsafe Structures.* An unsafe structure is one that is found to be hazardous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is dangerous. All unsafe structures shall be taken down and removed or made safe and secure as deemed necessary by the code official and as provided for in this code.

109.1.2 *Unsafe equipment* is amended by deleting the subsection in its entirety and substituting the following:

109.1.2 *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. All equipment deemed unsafe by the code official shall not be operated after the date stated in the notice of violation unless the required repairs or changes have been made and the equipment has been approved.

109.1.3 *Structure unfit for human occupancy* is amended by deleting the subsection in its entirety and substituting the following:

109.1.3 *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard

to the occupants of the structure or to the public. All unfit structures shall be made fit and safe as deemed necessary by the code official and as provided for in this code.

109.1.4 *Unlawful structure* is amended is amended by deleting the subsection in its entirety and substituting the following:

109.1.4 *Unlawful structure*. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. All unlawful structures shall be made lawful.

109.2 *Closing of vacant structures* is amended by deleting the subsection in its entirety and substituting the following:

109.2 *Closing of structures*. If the structure is unfit for human habitation and occupancy, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the person responsible to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and collected by any other legal resource.

109.4 *Notice* is amended by deleting the subsection in its entirety.

109.4.1 *Form* is amended by deleting the subsection in its entirety.

109.4.2 *Method of service* is amended by deleting the subsection in its entirety.

109.6 *Transfer of ownership* is amended by deleting the subsection in its entirety.

109.7.1 *Placard removal* is amended by deleting the subsection in its entirety.

A new subsection 109.8.1 is added to read as follows:

109.8.1 *Written approval necessary*. No structure or premises which has been declared as unsafe, unlawful, or unfit shall be occupied until the defects have been eliminated, written approval of the code official is obtained, and the placard is removed by the code official.

A new subsection 109.9.1 is added to read as follows:

109.9.1 *Costs*. In addition to any other remedy, upon failure of the person responsible to comply with the notice of violation within the time given, the code official is authorized to eliminate any violation, unsafe or unfit condition, or demolish any unsafe or unfit structure through any available public agency or by contract or

arrangement with private persons and the cost thereof shall be charged against the parcel and shall constitute a lien upon such real estate and may be collected by any other legal resource.

A new subsection 109.10 is added to read as follows:

109.10 *Restricted Entry.* Property owners, their representatives and contractors may enter a placarded property that has been declared as unsafe, unlawful, or unfit, from 7 a.m. to 7 p.m., solely to eliminate defects to make the premises habitable. Entry onto the property outside of these hours must be approved in advance in writing by the code official.

A new subsection 109.11 is added to read as follows:

109.11 *Rule to Show Cause hearing.* If an unsafe, unlawful, unfit or unsanitary condition is found in a building, structure, or upon the premises, the code official shall serve on the owner, agent, or person in control of the structure, a written notice that describes the condition deemed unsafe, unlawful, unfit or unsanitary and specifies the required repairs or improvements, or demolitions necessary to render the building, structure, or premises safe and secure. Such notice shall require the persons thus notified to appear within no more than 10 days at a specified time in the Department, to show cause why the said building, structure, or premises should not be made safe and secure or be repaired, improved, or demolished as deemed necessary by the code official.

SECTION 110–EMERGENCY MEASURES

A new subsection 110.1.1 is added to read as follows:

110.1.1 *Imminent danger of demolition by neglect of designated historic structures or contributing structures in historic overlay zoning districts.* If it is determined by the code official after consultation with, and a decision by, the Historic Review Board, that there is imminent danger of the loss of a designated historic structure or contributing structure or a feature that contributes to the historic integrity of a structure within a historic overlay zoning district via demolition by neglect, and after prior required notice and an opportunity to cure as set forth elsewhere in this code and in chapter 40 of the *New Castle County Code*, the County Attorney may be requested to seek injunctive relief deemed necessary and appropriate to preserve the structure and/or to pursue emergency repairs pursuant to this section.

110.6 *Hearing* is amended by deleting the subsection in its entirety and substituting the following:

110.6 *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon application to the code official, be afforded an administrative hearing.

SECTION 111–DEMOLITION

111.1 *General* is amended by deleting the subsection in its entirety and substituting the following:

111.1 *General*. When the code official determines that a structure is dangerous, unsafe, unsanitary, unlawful or otherwise unfit for human habitation or occupancy the following options are available to the code official:

1. The code official is authorized to order the owner or owner's authorized agent to make repairs sufficient to make the structure safe and sanitary. If there has been a cessation of repairs for a period of more than one year, the structure may be ordered demolished and removed.
2. The code official is permitted to order the owner or owner's authorized agent to demolish and remove the structure.

111.2 *Notices and orders* is amended by deleting the subsection in its entirety.

A new SECTION 112 is added as follows:

SECTION 112–TEMPORARY HOUSING

112 *Temporary Emergency Housing in a Residential District*. Temporary emergency housing may be placed in a residential district to provide temporary occupancy as living quarters for persons who have been displaced from their primary residence as the result of substantial damage thereto as the result of a declared natural disaster, subject to 302.8.6 ("Recreational vehicle") and 302.8.7 ("Parking of vehicles") and the following conditions:

1. The residential dwelling or dwelling unit, building, structure, or premises used as primary living quarters on the impacted parcel was lawfully established and has incurred such substantial damage as the result of a declared natural disaster to cause it to be deemed uninhabitable as determined by the code official based on verifiable evidence provided by the applicant to the code official. This may include an inspection report by an official of a federal or state agency or the code official.
2. Temporary emergency housing may be approved for placement on an impacted parcel for an initial term of 180 days. The permit fee associated with this temporary use only is waived. Within this initial term, a building permit must be applied for to repair the damage caused by the declared natural disaster to make the residential dwelling or dwelling unit, building, structure, or premises used as primary living quarters habitable. This building permit shall also serve as a temporary permit for temporary emergency housing. To obtain a permit, the

applicant shall file an application on a form furnished by the code official for that purpose.

3. Subsequent to the initial term of 180 days, the temporary emergency housing may be approved by the code official for additional extensions, without a charge therefore, of up to 90 days each for good cause as determined by the code official.
4. Only one temporary emergency housing unit may be placed on each impacted parcel, and the temporary emergency housing unit may only be occupied as temporary emergency primary living quarters by County residents who have been displaced from their primary residence on the impacted parcel as the result of a declared natural disaster.
5. Temporary emergency housing shall be subject to inspection as determined to be necessary by the code official to ensure compliance with this code and any other applicable law.

A new SECTION 113 is added as follows:

SECTION 113–APPEAL OF ADMINISTRATIVE DECISIONS

113.1 *The Board of License, Inspection and Review.* The Board shall hear and decide an appeal timely filed by any person aggrieved by the code official's final decision regarding the issuance, transfer, renewal, refusal, suspension, revocation, or cancellation of any County license, or regarding any notice, order or other action as a result of any County inspection affecting him or her directly.

113.2 *Application.* An application shall be filed with the code official within 20 days of the date the administrative decision is issued from which the appeal is made.

113.2.1 *Fee.* An appeal is not considered filed unless the appeal fee is paid, the code official previously granted the applicant IFP status in the matter, or a completed Application to Proceed without Prepaying Fees or Costs and affidavit consistent with the provisions of 107.13.1 ("IFP application") is submitted to the Board.

113.2.2 *Basis of appeal.* The application shall clearly identify the decision that is being appealed and the reasons for the appeal. The Applicant must demonstrate that the code official's action was arbitrary and capricious or contrary to law. The applicant should be prepared to demonstrate that:

1. the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted by the code official;
2. the code official made an error of fact or law;

- 1155 3. the provisions of this code do not fully apply;
1156
1157 4. a civil penalty amount was calculated incorrectly; or
1158
1159 5. abatement costs were calculated incorrectly.
1160

1161 113.3 *Rules and procedures.* Persons appearing before the Board shall comply with
1162 Board's Rules of Procedure.
1163

1164 113.4 *Hearings.* All hearings shall follow the Board's Rules of Procedure. The Board
1165 shall hear any evidence which either party may desire to offer subject to reasonable time
1166 limits and relevance of the evidence to the issues properly before the Board.
1167

1168 113.5 *Authority on appeal.* The Board may affirm, modify, reverse, vacate or revoke the
1169 action from which the appeal was taken to it. The Board shall not have the authority to
1170 waive any requirement of the *New Castle County Code*.
1171

1172 113.6 *Written decision.* The Board shall render a written decision which shall be subject
1173 to review pursuant to the petitioner filing a petition for *writ of certiorari* with the Superior
1174 Court of Delaware.
1175

1176 113.7 *Costs of record preparation.* Any party seeking review of a Board decision by the
1177 Delaware Superior Court shall be responsible for the costs incurred by the Department
1178 for preparation of the record.
1179

1180 113.8 *IFP status.* The Board Chair may grant IFP status and waive the appeal fee and
1181 costs required by this section for good cause shown and consistent with Department
1182 policies and procedures. The Board Chair may request additional information or
1183 documentation from the applicant that the Chair deems necessary to demonstrate the
1184 applicant's need for the fee waiver. An applicant's failure to demonstrate good cause or
1185 to provide requested information shall result in denial of the fee waiver request.
1186

1187 **CHAPTER 2. DEFINITIONS**

1188 **SECTION 201–GENERAL**

1189
1190
1191 201.3 *Terms defined in other codes* is amended by deleting the subsection in its entirety
1192 and substituting the following:
1193

1194 201.3 *Terms defined in other codes.* Where terms are not defined in this code and are
1195 defined in the International Building Code, International Existing Building Code, State of
1196 Delaware Fire Prevention Regulations, International Fuel Gas Code, International
1197 Mechanical Code, International Plumbing Code, International Residential Code, as
1198 adopted by New Castle County, or chapters 6, 12, 19, 38 or 40 of the *New Castle County*
1199 *Code*, such terms shall have the meanings ascribed to them as stated in those codes.
1200

SECTION 202–GENERAL DEFINITIONS

SECTION 202–GENERAL DEFINITIONS is amended by adding the following definitions:

Accessory Structure. A building or structure detached from a principal building located on the same lot, and which is customarily incidental and subordinate to the principal use or building.

Accumulation. Any condition that includes the holding, storing, stockpiling, amassing, gathering or mere presence, without regard to whether the act of accumulating was done by the property owner or another with or without the permission of the property owner.

Administrative Hearing. A hearing held before the code official, or a hearing officer designated by the code official.

Boat. Any sailing vessel that is designed or intended to operate on any body of water and can be propelled by such motive power as oars, paddles, wind or engine.

Building Code Official. The code official.

Clear water. Storm water, groundwater, roof run-off, yard drainage, yard fountain, hot tub or pool drainage, pond overflow or any substance other than sanitary sewage.

Code Official. The General Manager of the Department of Land Use, or the person designated by the General Manager.

Code enforcement fees. Code enforcement fees include the following:

1. Citations and other civil penalties imposed by the code official.
2. Costs associated with investigation, removal, remediation, or abatement of violations including the costs of reports, studies, and opinions prepared by design professionals, the institution and maintenance of temporary safeguards or emergency repairs, restoration of unsafe buildings, structures, equipment or systems, or demolition ordered or deemed necessary by the code official.
3. Administrative fees required by this code.
4. Costs associated with the collection of bond proceeds.

Commercial business. Any enterprise other than an agricultural enterprise or industrial business and may include but is not limited to wholesale, retail and other mercantile activities, office buildings, hotel or motel structures, shopping centers and department

stores. The term "commercial business" also includes activities related to tourism and recreational facilities.

Condemn. To determine a structure or equipment to be unsafe or when a structure is found unfit for human occupancy, or unlawful.

Corrective maintenance. Maintenance to be undertaken following the detection of deterioration of the primary load bearing system or the façade with the goal of remediating conditions reported by the design professional.

Continuing violation. Any violation that remains uncorrected or where the same violation reoccurs within a twelve-month period.

County. New Castle County, Delaware.

Debris. Material which is stored externally and exposed to the elements or covered with tarps or plastic including, but is not limited to: indoor furniture, household items, goods, appliance, and appliance parts, inoperative or discarded machinery, automobiles, automobile parts, tires, airplane and helicopter parts, refuse, rubbish, garbage, trash or junk, broken concrete, bricks, blocks or other mineral matter, bottles and cans, scrap or discarded lumber, wood (other than stacked firewood for use on the premises), pallets, pipe, steel, paper, cardboard, insulation, and other building materials.

Demolish or demolition. The razing or destruction, whether entirely or in part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site, the removal or destruction of the facade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition shall also include demolition by neglect as defined in Chapter 40 of the *New Castle County Code*.

Department. The Department of Land Use.

Department of Land Use. The New Castle County Department of Land Use.

Department of Public Works. The New Castle County Department of Public Works.

Developed parcel. Any improved parcel of land that has one or more residential, office, commercial or industrial structures located thereon.

Disaster declaration. A formal statement by the President of the United States, the Governor of the State of Delaware, or the County Executive of New Castle County that a disaster or emergency situation exists within New Castle County, which may be referred to as a "declared natural disaster."

1290 *Domestic animal.* A dog, cat, or other animal, the keeping of which is not otherwise
1291 prohibited, that has been raised or maintained in confinement or otherwise
1292 domesticated as to live in a tame condition.

1293
1294 *Dumpster.* Any container or bin capable of storing, transporting, receiving, hauling, or
1295 emptying over 150 gallons of garbage, trash, refuse, waste, or materials including, but
1296 not limited to, commercially available roll-off units.

1297
1298 *Dwelling or Dwelling unit.* A single unit providing complete, independent living facilities
1299 for one or more persons, including permanent provisions for living, sleeping, eating,
1300 cooking and sanitation excluding lodging facilities.

1301
1302 *Façade.* All areas on the exterior of a building including all exterior walls and exterior
1303 wall covering; without limitation, a façade further includes cornices, belt courses,
1304 corbels, terra cotta trim, wall facings, and other decorative features, parapets,
1305 architectural trim and embellishments, and all connected or attached appurtenances
1306 such as balconies and decks, and attached handrails, fire escapes, chimneys, hanging
1307 air conditioners, and window washing and exterior maintenance systems.

1308
1309 *Family.* Any number of individuals legally related through blood, marriage, adoption, or
1310 guardianship including individuals placed for foster care by an authorized agency, or up
1311 to four unrelated individuals living and cooking together and functioning as a single
1312 housekeeping unit using certain room and housekeeping facilities in common.

1313
1314 *Good standing.* At the time of a request of any service from the Department, an individual
1315 or legal entity is neither delinquent in the payment of monies owed to the County or has
1316 a pending, open, or unresolved violation of the New Castle County Code.

1317
1318 *Grade plane.* A reference plane representing the average of finished ground level
1319 adjoining the building at exterior walls. Where the finished ground level slopes away
1320 from the exterior walls, the reference plane shall be established by the lowest points
1321 within the area between the building and the lot line or, where the lot line is more than
1322 6 feet from the building, between the building

1323
1324 *Grass.* Any of various plants having narrow leaves, hollow jointed stems, and spikes or
1325 clusters of membranous flowers borne in smaller spikelets.

1326
1327 *In forma pauperis (IFP) status.* A status granted by the code official or the Chair of the
1328 Board of License, Inspection or Review allowing an applicant to request an administrative
1329 hearing or appeal without paying the required administrative fee.

1330
1331 *License.* Any license, certificate, or permit required by statute, ordinance, or regulation
1332 to be obtained from any County department or board as a prerequisite to engaging in
1333 any activity.

New Castle County Register of Historic and Architectural Heritage. Any building that is listed on the National Register of Historic Places, or meets the criteria to be listed on the National Register of Historic Places, satisfies the criteria for designation as a historic resource in Chapter 40, Article 15 of the New Castle County Code or identified in the New Castle County Historic Sites working list contained in the Appendix of this code.

Not in Good Standing. A designation made by the code official upon a finding that an individual or legal entity is delinquent in the payment of monies owed to the County or has a pending, open, or unresolved violation of the New Castle County Code.

Noxious Weed. A plant species designated as noxious weeds by the State of Delaware, including, but not limited to, Johnsongrass (*Sorghum halepense*), Canadian Thistle (*Cirsium arvense*), Burcucumber (*Sicyos angulatus*) and Giant Ragweed (*Amrosia trifida*).

Oversized Vehicle. Any vehicle or off-highway vehicle (excluding recreational vehicles and boats) the length of which is greater than 240 inches or the width of which is over 84 inches or the height of which is over 84 inches or the weight of which exceeds eight thousand 8,000 pounds.

Owner's authorized agent. An individual or legal entity that the property owner has formally designated in writing or by agreement to act on the owner's behalf with specific authority. A tenant is not considered an owner's authorized agent. Property managers, licensed contractors, real estate agents, leasing agents and attorneys can act as an owner's authorized agent.

Parcel. A lot or piece of land separately identified by a tax assessment parcel number issued by the County.

Person. An individual, corporation, company, firm, partnership, association, or other business entity and any group acting as a unit including builder(s), developer(s), owner(s), or contractor(s).

Person responsible. A person having apparent or actual charge, care or control of the building, structure, premises, equipment, or system, or an authorized agent or legal representative or such person. The following persons shall be considered the person responsible:

1. Permit holder for violations of a permit or notices and orders related to a permit.
2. Licensee for violations of a license or notices and orders related to a license.
3. Property owner or owner's authorized agent for violations where a permit holder or licensee is not responsible or if responsibility is attributed to both the property owner and the permit holder or licensee.

Primary load bearing system ("PLBS"). The assemblage of structural components within a building comprised of columns, beams, and/or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation.

Recreational vehicle. A vehicle designed for or used as temporary living quarters for recreational, camping, vacation or travel use, or for temporary emergency housing as the result of a declared natural disaster (subject to Section 113., Section 202., and Sections 302.8.5. through 302.8.6.), including, but not limited to, house trailers, travel trailers, motor homes, self-propelled campers, or any other motor vehicle with permanent camper components. Living quarters shall include sleeping, cooking and lavatory facilities.

Residential district. Any property or group of properties designated by a residential zoning classification on the official New Castle County zoning maps.

Rubbish. Combustible and noncombustible waste materials and trash and debris, except garbage; the term shall include, but is not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches (except in incorporated areas that have adopted a forest stewardship policy which encourages fallen trees, tree limbs and tree branches to remain for return to organic matter), yard trimmings, cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Self-contained portable toilets. One or more commercially manufactured or assembled self-contained toilet facility that is portable and is not designed or intended for connection to a sewer system with a standard connection. Portable toilets shall include, but not be limited to, water flush toilets or chemical toilets that have watertight, impervious pails or tanks containing a chemical solution placed immediately beneath the seat or urinal and a pipe or conduit connecting the riser with the tank.

Storage. The temporary storing, holding, keeping or stockpiling

Structure. That which is built or constructed or a portion thereof, including, but not limited to, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, swimming pools, towers, steps, walkways, tents or anything erected and framed to a structure or structural parts fastened, anchored or resting on a permanent foundation or on the ground.

System. Building systems such as mechanical, fuel gas, plumbing, sewer, on-lot septic, or similar systems, as well as public and private sewer systems including collection and transmission lines.

Temporary emergency housing. A recreational vehicle used for temporary occupancy as primary living quarters as the result of a declared natural disaster, as formally recognized by a disaster declaration, that has resulted in such severe damage as to

make a residential dwelling or dwelling unit, building, structure, or premises used as the primary residence temporarily uninhabitable, as determined by the Department.

Undeveloped parcel. Any unimproved or partially improved parcel which has no residential, office, commercial, or manufacturing/industrial buildings located thereon.

Unsafe. Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “Dangerous” or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

Vacant premises. Any premises intended for residential or commercial use which is not currently occupied or in use.

Weed. All grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Wooded. That portion of a parcel that is densely covered with growing trees, including but not limited to, a mature or young forest or critical natural area

CHAPTER 3. GENERAL REQUIREMENTS

SECTION 301–GENERAL

301.1 *Scope* is amended by deleting the subsection in its entirety and substituting the following:

301.1 *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. This chapter is not intended to supersede any requirements of any other statute, law, ordinance, rule or regulation with respect to historic structure or premises.

SECTION 302–EXTERIOR PROPERTY AREAS

302.1 *Sanitation* is amended by deleting the subsection in its entirety and substituting the following:

302.1 *Sanitation.* Exterior property and premises shall be maintained in a clean, safe and sanitary condition, free from the accumulation of any feces. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. The storage and use of horse manure shall be exempt from this provision.

302.4 *Weeds* is amended by deleting the subsection in its entirety and substituting the following:

302.4 *Prohibited growth of weeds and grass.*

302.4.1 *Undeveloped parcels.* Weeds and grass on undeveloped parcels adjacent to developed parcels shall be no greater than 8 inches high within 20 feet of any property line. Any parcel shown on a land development plan in any residential zoning district shall be considered a developed parcel if any lot located on the plan has received a certificate of occupancy.

302.4.2 *Developed parcels.* Weeds and grass on developed parcels shall be no more than 8 inches high; provided, however, on a parcel of land that is larger than 1 acre and has a building lot coverage of less than 5 percent, weeds and grass shall be no more than 8 inches high within 20 feet of any property line.

302.4.3 *Exceptions.* Weeds do not include:

- 1 shrubs and trees,
2. a wildflower meadow maintained and located no less than 10 feet from any property line, and
3. bamboo from the genera *Phyllostachys*, *Pseudosasa*, and *Bambusa*.

302.4.4 *Application of section to multiple adjacent undeveloped parcels.* If an owner holds title to more than 1 parcel and such parcels are adjacent to each other, sharing a common property line, such parcels may be considered as one parcel for purposes of the application of this section.

302.4.5 *Annual mowing required.* Notwithstanding any other provision of this code, an owner or possessor of a parcel shall be required to mow such parcel at least once a year, on or before September 30th, if such parcel contains a population of environmentally invasive plants, identified in Appendix III of chapter 40 of the *New Castle County Code* significant enough in volume, number or size to cause harm to neighboring properties.

302.4.6 *Application to agricultural parcels.* This section shall not apply to any parcel that is a farm or property used exclusively for agricultural purposes.

302.4.7 *Natural Resource Area Plan.* This section shall not apply to any parcel or portion thereof to the extent that it conflicts with a County or State approved plan, including, but not limited to, a landscape plan, record plan, reforestation plan or natural resource area management plan.

302.4.8 *Ornamental shrubs and trees.* Ornamental shrubs and trees shall be maintained in good order and condition.

302.4.8.1 *Trees.* Outside of wooded areas, all trees shall be free from dead limbs or branches, and dead trees shall be removed.

302.4.8.2 *Shrubbery.* All shrubbery shall be maintained so as not to encroach upon or extend beyond the line of any walkway or driveway. All shrubbery shall be trimmed from blocking any doors or hatchways.

302.4.9 *Noxious weeds.* Noxious weeds shall not be allowed to exceed 24 inches in height or to produce seed. Except as otherwise recommended by the Delaware Department of Agriculture, noxious weeds shall be controlled and/or eradicated through mowing and the proper application of an herbicide approved by the Delaware Department of Agriculture. Application shall occur between the rosette and bud stages (or boot stage for perennial grasses classified as weeds), but in no event later than May 30th of each year. Additional treatment shall be required later in the year as needed to control and/or eradicate the noxious weeds.

302.4.10 *Pollinator gardens and rain gardens.*

302.4.10.1 *General.* Pollinator gardens and rain gardens are encouraged in residential and commercial properties to foster water conservation, lower maintenance costs, prevent excessive herbicide use, and create habitat for wildlife and pollinators to enhance our natural ecosystem. This subsection does not supersede, or override rules and regulations set by home-owners associations, maintenance corporations, or other such organizations that serve a similar purpose.

302.4.10.2 Pollinator gardens must contain at least two pollinator-friendly species.

302.4.10.3 Plants used to make up a pollinator garden or rain garden shall come from the native plant lists maintained by the Delaware Department of Natural Resources and Environmental Control, and the Delaware Department of Agriculture.

302.4.10.4 Plants included in the “Plants to Avoid” list contained in the Appendix 3 of chapter 40 of the *New Castle County Code* are prohibited.

302.4.10.5 *Definitions.* The following words, terms, or phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pollinator garden. A type of garden designed with the intent of growing specific nectar and pollen-producing plants, in a manner that attracts

pollinating insects known as pollinators. Pollinator gardens must include edging to differentiate from the surrounding landscape.

Rain garden. A type of planted area created to mimic a natural water retention area and is planted with a diversity of woody or herbaceous Vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

Garden edging. A durable material that creates a distinct separation from the adjacent surface.

302.4.10.6 *Setbacks.* Pollinator gardens and rain gardens must comply with the following setbacks:

1. Principal building: 3 feet.
2. Street yard: 10 feet.
3. Rear yard: 3 feet.
4. Side yard: 3 feet.
5. Corner lots: 25 feet of the property lines so as not to obstruct the visibility of pedestrian or vehicular traffic.
6. Measurement of the setback for pollinator gardens shall be to the edging material.

302.4.10.7 *Coverage.*

1. Pollinator gardens and rain gardens shall be no more than 25% of the area of the street yard of the principal building.
2. Pollinator gardens and rain gardens shall be no more than 50% of the area of the rear yard.
3. *Exception.* Pollinator gardens and rain gardens may exceed the above percentages if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

302.4.10.8 *Side yard limitation.*

1. Pollinator gardens and rain gardens are not permitted in the side yards.
2. *Exception.* Pollinator gardens and rain gardens may be permitted up to 25% of the area of the side yard if it is certified by the Delaware Nature

Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

302.4.10.9 *Garden Edging.*

302.4.10.8.1 Pollinator gardens are required to be delineated by edging.

302.4.10.8.2 Edging materials may include, but are not limited to: pavers, bricks, fencing, flexible strips, natural materials such as logs or stone.

302.4.10.10 *Maintenance.*

302.4.10.9.1 Rain gardens must be free of standing water 72 hours after a rain event.

302.4.10.9.2 Turf grass in excess of 8 inches does not constitute a pollinator garden.

302.4.10.9.3 Pollinator gardens and rain gardens shall not constitute a hazard to the public or surrounding parcels or cause injury or damage to persons or adjacent parcels, or harbor pests and rodents.

302.4.10.9.4 Notwithstanding any other section of this code, permissible plant species located within pollinator gardens or rain gardens may grow in excess of 8 inches in height. Invasive plants, including noxious weeds, are not permitted.

302.4.10.9.5 Areas surrounding pollinator gardens or rain gardens must be maintained and cared for consistently with all other limitations under this code.

302.4.11 *Application to wooded areas.* The provisions on high weeds and grass shall not apply to wooded areas including, but not limited to, young and mature forest and critical natural areas.

302.4.12 Bamboo from the genera *Phyllostachys*, *Pseudosasa*, and *Bambusa* shall not be permitted on any parcel except as provided below.

302.4.12.1 *Above-ground planters.* The root system of the bamboo plant must be entirely contained within an above-ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread/growth of the bamboo plant's root system beyond the container in which it is planted.

302.4.12.2 *In-ground bamboo.* The bamboo must be located at least 50 feet from any property line.

1656 302.4.12.3 *Limited waiver for existing bamboo*. The property owner must secure
1657 a waiver from the code official allowing existing bamboo to continue to be
1658 maintained on the property in its current or proposed location. Such waiver only
1659 may be issued and shall remain valid only upon the submission of an application
1660 demonstrating compliance with all the following conditions.

1661
1662 302.4.12.3.1 The bamboo existed on the property prior to January 1, 2017;

1663
1664 302.4.12.3.2 The bamboo is kept and maintained within the applicant's
1665 property lines and does not encroach on an adjoining parcel unless the
1666 adjoining property owner is a co-applicant of the waiver request;

1667
1668 302.4.12.3.3 The applicant submits a survey, subject to the approval of the
1669 code official delineating the defined area in which the bamboo is to be
1670 maintained; and

1671
1672 302.4.12.3.4 The bamboo is maintained to prevent its spread outside of the
1673 defined area by a rhizome barrier or by regular cutting and trimming of the
1674 perimeter of the bamboo. Where a barrier is provided:

- 1675
1676 1. It shall be composed of a high-density polypropylene or polyethylene,
1677 80 mil or heavier;
- 1678
1679 2. Each portion or sheet of the barrier shall overlap by no less than 12
1680 inches to avoid breach and be secured or joined together by the use of
1681 adhesive designed for such purpose, stainless steel clamps or
1682 stainless steel closure strips designed for such barriers;
- 1683
1684 3. It shall be installed not less than 30 inches deep;
- 1685
1686 4. It shall be circular or oblong shaped;
- 1687
1688 5. Not less than 3 inches of the barrier shall protrude above ground level
1689 around the entire perimeter of the barrier;
- 1690
1691 6. It shall slant outward from the bottom to the top, and;
- 1692
1693 7. An alternative containment system may be used if a licensed
1694 landscape architect certifies that such barrier offers protection against
1695 the bamboo's spread equal or greater to the barrier herein described.

1696
1697 302.6 *Exhaust vents* is amended by deleting the subsection in its entirety.

1698
1699 302.7 *Accessory structures* is amended by deleting the subsection in its entirety and
1700 substituting the following:

1702 302.7 *Accessory structures.* All accessory structures, including but not limited to
1703 detached garages, sheds, fences, gazebos and walls, shall be maintained structurally
1704 sound and in good repair.

1705
1706 302.8 *Motor vehicles* is amended by deleting the subsection in its entirety and
1707 substituting the following:

1708
1709 302.8 *Vehicles and parking.* The parking and storage of vehicles is subject to the
1710 provisions of this section.

1711
1712 302.8.1 *Definition of specific vehicles.* When a definition for a particular vehicle is
1713 not provided by this code, the definitions provided in 21 *Del. C. Section 101* (Motor
1714 Vehicles) shall be used.

1715
1716 302.8.2 *Registered owner responsible for vehicle or off-highway vehicle.* A
1717 rebuttable presumption is hereby created that the person in whose name such
1718 vehicle or off-highway vehicle is registered as the owner, shall be prima facie
1719 responsible for any violation of this section. A violation notice or summons may be
1720 attached to an unattended vehicle or off-highway vehicle found in violation of this
1721 section.

1722
1723 302.8.3 *Inoperable or unregistered vehicles.* In any zoning district, it shall be
1724 unlawful to park, store, or permit to be parked or stored, other than in a fully enclosed
1725 permanent building, any vehicle that is inoperable or incapable of being legally
1726 operated on any public roadway. A rebuttable presumption is hereby created that
1727 any vehicle that does not visually display a valid registration and inspection decal is
1728 inoperable until such time as a valid registration is provided. Vehicles parked or
1729 stored in the following manner shall be exempt:

1730
1731 302.8.3.1 On farmland as defined in 9 *Del. C. § 8330* ("Agricultural use
1732 land"), when such vehicles are used for agricultural purposes.

1733
1734 302.8.3.2 On land appropriately zoned and used as a junk yard provided all such
1735 vehicles are fully enclosed by a solid fence or wall of sufficient height to screen
1736 such vehicles from public view.

1737
1738 302.8.3.3 On land appropriately zoned and used for vehicle repair, parking is
1739 allowed for no more than 120 days.

1740
1741 302.8.3.4 Where such vehicles are being stored by police or other government
1742 agency.

1743
1744 302.8.3.5 On land appropriately zoned and used for vehicular sales, rentals or
1745 storage.

1747 302.8.4 *Towing inoperable, unregistered or abandoned vehicles from private*
1748 *property.* In any zoning district, code enforcement officers will have joint authority
1749 with New Castle County police officers to enforce provisions for towing inoperable,
1750 unregistered or abandoned vehicles from private property consistent with 21 *Del.*
1751 *C. § 4402* (“Enforcement; removal of abandoned vehicles; transfer thereof”). This
1752 section shall apply to any vehicle that is either inoperable, dismantled, wrecked, or
1753 which displays expired registration plates which are at least 30 days expired, or
1754 which displays no registration plates, or from which major components have been
1755 removed, or is in such a state of disrepair as to be incapable of being operated in
1756 the manner for which it is designed and is situated on private property.
1757

1758 302.8.4.1 *Notice Procedures for Towing Inoperable, Unregistered, or Abandoned*
1759 *Vehicles from Private Property.* If an abandoned vehicle is located on private
1760 property with the consent of the property owner or occupant, or if an abandoned
1761 vehicle is owned by the property owner or occupant, code enforcement officers
1762 may enter upon the property to determine vehicle ownership. The code
1763 enforcement officer shall send written notice by regular first class mail to the vehicle
1764 owner’s last known address, directing the owner to remove the inoperable,
1765 unregistered, or abandoned vehicle within 7 days of the mailing date. If the vehicle
1766 is not removed within 7 days, or if the owner cannot be located to receive written
1767 notice, the code enforcement officer shall issue a civil penalty and request a tow
1768 notice be mailed first class and posted to the vehicle. If the vehicle is not removed
1769 and/or registered within 10 days, the code enforcement officer shall request a Rule
1770 to Show Cause hearing. If the Rule to Show Cause hearing results in a decision
1771 favorable to the county, and the vehicle is not removed by the compliance date or
1772 if the owner cannot be located for the purpose of sending the written notice, then
1773 the code enforcement officer may enter upon the property where the vehicle is
1774 located and conspicuously affix thereto a sticker or tag showing the time and date
1775 of its affixing. The sticker will advise the owner that if the vehicle is not removed
1776 within 7 days, it will be towed. This section does not apply to any vehicle located
1777 on private property that is not visible from the street or road and does not constitute
1778 a nuisance, health hazard, or fire hazard.
1779

1780 302.8.4.1.1 *Notice specifications for towing inoperable unregistered or*
1781 *abandoned vehicles from private property.* The notice required by this section
1782 shall state that, if such vehicle is not so removed, it will be removed and stored
1783 in a storage area designated by the New Castle County Police Department at
1784 the owner’s expense and thereafter it will be subject to disposal in accordance
1785 with law. Such notice shall also set forth verbatim the language in 21 *Del. C. §*
1786 *4414* (“Penalty; prima facie evidence of wilful abandonment; jurisdiction”).
1787

1788 302.8.5 *Oversized vehicle parking.* Subject to the following exemptions, in any
1789 residential zoning district, it shall be unlawful to park, store, or permit to be parked
1790 or stored, other than in a fully enclosed permanent building, any vehicle or off-
1791 highway vehicle the length of which is greater than 240 inches or the width of which
1792 is over 84 inches or the height of which is over 84 inches or the weight of which

exceeds 8,000 pounds. Such vehicles parked or stored in the following situations shall be exempt from this section:

302.8.5.1 When such a vehicle is on the property in conjunction with service or work on the property. The vehicle may only remain on the property for the time required to complete such work or service. Examples include, but are not limited to, delivery trucks, utility vans, and moving trucks.

302.8.5.2 One oversized vehicle may be parked on a residential lot 2 acres or larger when completely screened from view of other residentially zoned properties and all streets by a fence, dwelling and/or buffer.

302.8.5.3 Up to 2 oversized vehicles may be parked on a residential lot 1 acre or larger in size, if the property has direct access to a collector or arterial street, and the vehicles are completely screened from view of other residentially zoned properties and all streets by a fence, dwelling and/or vegetative buffer.

302.8.6 *Recreational vehicle.* Except as provided in this code for temporary emergency housing, it shall be unlawful to reside in or connect a recreational vehicle to any public utilities which supply electric, water or gas and reside in such vehicle while on the property, subject to 302.8.6.1. Notwithstanding the above, a recreational vehicle being used as temporary emergency housing may connect to a public utility that supplies electric or water only. Such vehicle is prohibited from running a non-GFI electric cord from the home to the recreational vehicle, and may reside in such vehicle while on the impacted parcel. In addition, a vehicle being used as temporary emergency housing shall have a full hook-up to an approved potable water source, and must have a waste management plan to properly dispose of sewage. Disposal may include a temporary holding tank with a contract with a pumping company for regular pump outs. All recreational vehicles used as temporary emergency housing are to be adequately secured so as not to present a hazard, as determined by the Department, to persons or property in a high wind or flood event.

302.8.6.1 *Temporary Permit.* A person visiting a lot owner or occupant may park his or her recreational vehicle on the driveway or approved hardened and treated surface of the lot for a period not to exceed 14 days, except as provided in this code for temporary emergency housing as the result of a declared natural disaster in which case the temporary permit and the time periods shall be as set forth in Section 108 ("Stop Work Order"), provided a temporary permit from the Department is obtained. The temporary permit shall designate the individual to whom the permit is issued, the recreational vehicle to be parked, and the expiration date of the permit.

302.8.7 *Parking of vehicles.* In any residential zoning district, the parking or storage of any vehicle, recreational vehicle, or off-highway vehicle is prohibited, unless it is parked or stored on a hardened surface constructed of material treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The

surface must completely extend the entire length and width of the vehicle. This subsection is subject to the following exceptions:

1. When such vehicles are parked on land when the gross acreage of the lot exceeds 5 acres.
2. Construction vehicles provided they are on the lot where active construction is taking place, or on a lot adjacent or part of the development site thereto.
3. When the circumstances are such that, as the result of a declared natural disaster, a recreational vehicle is being utilized to provide temporary emergency housing.

302.8.8 Construction equipment shall not be parked or stored in residentially zoned areas, or on residential property in other zones, or on sites that have not been permitted or approved for such use. Construction equipment shall include, but is not limited to, cranes, backhoes, track hoes, bulldozers, skid steers, forklifts, tractors, excavators, graders, loaders, trenchers, scrapers, dump trucks, pavers, rollers, compactors, portable cement mixers, wheeled generators, and chippers.

302.8.9 Airplanes and helicopters, and parts of airplanes and helicopters, shall not be parked or stored on residentially zoned parcels or on properties being used for a residential use in other zones.

302.8.10 *Storage of Boats on Residential Zoned Properties.*

302.8.10.1 All parked or stored boats, personal watercraft, and/or accessory trailer must have current registration tags displayed in the required locations.

302.8.10.2 Inoperable/unregistered boats, personal watercrafts, and/or accessory trailers are not permitted to be parked or stored on residential zoned property other than in a fully enclosed permanent building.

302.8.10.3 Boats shall be stored upon a registered trailer which is suitable to transport the boat or on a commercially manufactured frame or stands, designed for storing boats.

302.8.10.4 Boats stored on stands or frames must be in the rear yard.

302.8.10.5 All trailers, stands and frames shall be stored upon a hardened and treated surface constructed of material, treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The surface must fully accommodate the size of the vehicle.

302.8.10.6 In residential zoning districts NC5, NC6.5 and NCTH boats 26 feet or longer (Class 2) and their trailers are not permitted to be stored or parked in the

street yard.

302.8.10.7 Boats and accessory trailers stored in any residentially zoned parcel may not extend into the right of way or block of the public sidewalk.

302.8.10.8 The term boats, personal watercraft and accessory trailer in this code does not include or pertain to canoes, kayaks, row boats, paddleboards or surfboards.

302.9 *Defacement of property* is amended by deleting the subsection in its entirety and substituting the following:

302.9 *Graffiti*. The exterior of all structures, rocks, vehicles, boats and trees shall be maintained free from graffiti. Graffiti means, without limitation, any letter, word, name, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is illicitly drawn, painted, chiseled, scratched or etched. Structure shall include, but not be limited to, any wall, bridge, fence, gate, or building. This definition shall not include artistic stenciling or legal signage placed on a property with the permission of the owner of the property, or government sponsored murals.

302.9.1 *Display and Storage of and Signage for Graffiti Implements*.

302.9.1.1 *Definitions*. The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aerosol paint container is any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

Broad-tipped marker is any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than ¼ of an inch, containing ink or other pigmented liquid that is not water soluble.

Graffiti implement is an aerosol paint container, broad-tipped marker, paint stick or graffiti stick.

Minor is any person under the age of 18 years.

Paint stick or graffiti stick is any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least ⅛ of an inch in width.

302.9.2 *Restrictions on Display and Storage*.

1930 302.9.2.1. Every person who owns, conducts, operates, or manages a retail
1931 commercial establishment selling any type of graffiti implements shall store such
1932 implements in an area continuously observable, through direct visual observation
1933 or surveillance equipment, by employees of the retail establishment during the
1934 regular course of business.

1935
1936 302.9.2.2 In the event that a commercial retail establishment is unable to store
1937 the graffiti implements it sells in an area as provided above, the establishment
1938 shall store such implements in an area not accessible to the public in the regular
1939 course of business without employee assistance.

1940
1941 302.9.2.3 A minor who is an employee of a person who or an entity which is a
1942 vendor of graffiti implements may, during his or her duties, possess such
1943 implements, for purposes of lawful sale or transfer, but shall not purchase or
1944 obtain possession of the same for any other purpose.

1945
1946 302.9.2.4 No minor shall, at the time of purchase, as specified in this section,
1947 knowingly furnish fraudulent evidence of majority.

1948
1949 302.9.3 *Required Sign.* Every person who operates a retail commercial
1950 establishment selling any type of graffiti implements shall place a sign with a
1951 minimum height of 14 inches and a width of 12 inches, with lettering of at least ½
1952 inch in height which is in clear public view at or near the display of such products
1953 and which states:

1954
1955 WARNING: IT IS ILLEGAL TO SELL OR DISTRIBUTE AEROSOL PAINT, PAINT
1956 STICKS OR BROAD-TIPPED MARKERS TO ANY PERSON UNDER THE AGE
1957 OF EIGHTEEN (18) YEARS. IT IS ILLEGAL FOR ANY PERSON UNDER THE
1958 AGE OF EIGHTEEN (18) YEARS TO POSSESS OR TO ATTEMPT TO
1959 PURCHASE SAME. IT IS ILLEGAL IF YOU ARE OVER EIGHTEEN (18) YEARS
1960 OF AGE FOR YOU TO PURCHASE AEROSOL PAINT, PAINT STICKS OR
1961 BROAD-TIPPED MARKERS FOR A PERSON UNDER EIGHTEEN (18) YEARS
1962 OF AGE IF YOU ARE NOT SUCH PERSON'S PARENT, GUARDIAN,
1963 SCHOOLTEACHER OR ART OR CRAFT INSTRUCTOR.

1964
1965 A new subsection 302.10 is added to read as follows.

1966
1967 302.10 *Outside storage of household items.* The outside storage of items designed and
1968 manufactured to be used and stored in an enclosed building is prohibited in any
1969 residential zoning district. Such items include, but are not limited to, the following:
1970 appliances or interior furniture, housewares, exercise equipment, plumbing fixtures,
1971 irrespective of age or condition.

1972
1973 A new subsection 302.11 is added to read as follows:

1975 302.11 *Outside storage or accumulation of debris.* Except during active construction,
1976 the outside storage or accumulation of debris is prohibited in any residential zoning
1977 district.

1978
1979 302.11.1. *Forest stewardship policy for fallen trees and branches.* Fallen trees, tree
1980 limbs and branches shall not be considered rubbish or debris in incorporated areas
1981 which have adopted a forest stewardship program to return fallen trees, limbs and
1982 branches to organic matter and have the authority to enforce the program. This
1983 includes the Villages of Arden, Ardentown and Ardencroft in furtherance of their
1984 adopted forest stewardship program and pursuant to their authority under chapter
1985 125, volume 56 Laws of Delaware.

1986
1987 302.12 *Encroachment on sidewalk.* In any zoning district it shall be the duty of the
1988 owner for a property to keep shrubbery trimmed so that it does not encroach upon or
1989 extend beyond the line of any sidewalk or public street and trim trees so that no branch
1990 extends below a height of 7 feet above the width of any sidewalk.

1991
1992 A new subsection 302.13 is added to read as follows:

1993
1994 302.13 *Dog or cat excrement.*

1995
1996 302.13.1 Any person who is the owner of, or has responsibility for, 1 or more dogs
1997 or cats shall take all reasonable measures to prevent accumulation of animal excreta
1998 in the area in which such animals are customarily kept. No owner shall allow animal
1999 excreta to accumulate to create obnoxious or offensive odors. Any person who fails
2000 to correct a violation of this subsection within 24 hours following receipt of notice of
2001 such violation and order by the code official or any person who opposes or impedes
2002 an officer or authorized agent or employee of the Department in the execution of his
2003 or her duties under this subsection shall be deemed to have violated this section.

2004
2005 302.13.2 Any person who is the owner of, or has responsibility for, 1 or more dogs
2006 or cats shall immediately remove, in a sanitary manner, any fecal matter deposited
2007 by such dog or cat upon any street, sidewalk or park or upon any property without
2008 the consent of the owner or tenant of such property. It shall not be a violation of this
2009 subsection if such fecal matter is removed within 1 hour. This subsection shall not
2010 apply to any person who because of loss or impairment of eyesight or other
2011 recognized Americans With Disabilities Act disability is accompanied by a guide dog
2012 described or any dog educated by a recognized training agency or school and which
2013 is used as a leader or guide.

2014
2015 302.13.3 The complaining party shall file a complaint in a court of competent
2016 jurisdiction. Section 302.13.2 shall only be enforced if the complaining party
2017 produces a witness to the act that constitutes a violation of this Section. It is not the
2018 intent of this section to require surveillance by the code official, the Delaware Office
2019 of Animal Welfare, a contracted agency, or any other County department or agency.

302.13.4 The code official or the Delaware Office of Animal Welfare shall have the authority to enforce 302.13.1.

302.13.5 Any person violating this section shall be subject to the penalties as provided in *New Castle County Code* § 1.01.009 (“General penalty; continuing violations”).

A new subsection 302.14 is added to read as follows:

302.14 *Prohibited animals in certain residential areas.* It shall be unlawful for any owner, tenant or other person in control of a property to raise, breed, keep, feed, shelter or harbor a horse, cattle, sheep, goats, pigs, ducks, geese, waterfowl, guinea hens, chickens, turkeys, donkeys, quail, doves, llamas, raccoons, muskrats, non-domesticated mammals, game fowl, pigeons, pheasants, peacocks, foxes, minks, exotic animals, wild animals, game animals and other like animals on a parcel of land which is less than one acre in total area and located in any residentially zoned district, a diversified planned unit development or an MM zoned district.

302.14.1 *Exception: Educational programs.* This section shall not apply to the keeping, sheltering or harboring of animals in connection with bona fide educational programs run or overseen by a public or private elementary, middle or secondary school or college or university, or the Delaware Cooperative Extension Education Program, or the 4-H or the Newark Pigeon Club, Wilmington Homing Club or Delmarva Pigeon Club. Participation in the educational programs or pigeon clubs listed shall constitute an affirmative defense and must be renewed annually. Participation in a pigeon club is only an affirmative defense for the keeping, sheltering or harboring of pigeons.

A new subsection 302.15 is added as a new subsection.

302.15 *Portable temporary storage units.* In any residentially zoned district, the placement of a portable temporary storage unit for non-disposable items is allowed for temporary use by the occupant of the dwelling for 30 days or the time period for which there is an active building permit open on the property. Such portable storage units are subject to the following limitations.

302.15.1 A temporary storage units shall be set back a minimum of 3 feet from any property line and;

302.15.2 A temporary storage unit must be placed on either a hard concrete or asphalt surface and may displace one or more off-street parking spaces, provided there is adequate on-street parking.

302.15.2.1 *Exception.* If it is unfeasible to place a temporary storage unit on either a hard concrete or asphalt surface, it may be placed anywhere on the property provided it is set back a minimum of 3 feet from any property line.

2067
2068 302.15.3 The location of a temporary storage unit shall not affect the health, safety,
2069 or welfare of the neighborhood including, but not limited to, blocking access to a fire
2070 hydrant or obstructing the view of street intersections.
2071

2072 302.16 *Portable Toilets*. The temporary use of self-contained toilets shall be allowed to
2073 provide bathroom facilities for special events, construction and/or rehabilitation projects,
2074 and/or interruption of sewer service for emergencies or planned upgrades or repairs.
2075 For purposes of this subsection, temporary use means any use of 1 or more self-
2076 contained portable toilets for a period of 10 calendar days or less. The long-term use of
2077 portable toilets shall not be allowed as permanent sanitary facilities for residential or
2078 nonresidential use, or as secondary sewer facilities on existing developed lots. For
2079 purposes of this subsection, long-term use means any use of one or more self-contained
2080 portable toilets for a period of more than 10 consecutive calendar days.
2081

2082 **SECTION 303—SWIMMING POOLS, SPAS AND HOT TUBS**

2083

2084 303.1 *Swimming pools* is amended by deleting the subsection in its entirety and
2085 substituting the following:
2086

2087 303.1 *Swimming pools*. Swimming pools, whether above ground or in ground, shall be
2088 maintained in a clean and sanitary condition, and in good repair. Any pool that is not
2089 drained for winterization shall be covered.
2090

2091 303.1.1 Upon discovery of a violation of this section, the code official may
2092 immediately institute administrative enforcement proceedings or pursue an action in
2093 a court of competent jurisdiction. The code official may remedy the violation and
2094 seek indemnification of expenses incurred from the property owner. Corrective
2095 action includes, but shall not be limited to, draining and cleaning the pool, chemically
2096 treating the pool to control the growth of bacteria and algae, and covering the pool.
2097 Corrective action for any pool that is in violation of this section and that has been
2098 unused for a period of 3 years may include demolition of such pool or the dismantling
2099 and removal of such pool, as deemed appropriate by the code official.
2100

2101 303.1.2 *Cost recovery*. Any expense incurred by the code official under this section
2102 shall be paid by the owner of the property within 10 days after service of notice of
2103 the amount due. Failure to pay may result in:
2104

- 2105 1. The code official pursuing the recovery and collection of such expense
2106 pursuant to section 107.11.4 ("Cost recovery").
2107
- 2108 2. The County pursuing an action in a court of competent jurisdiction for the
2109 recovery of such expense, together and with any penalty and/or interest,
2110 against the person responsible, and reasonable attorney fees.
2111

303.2 *Enclosures* is amended by deleting the subsection in its entirety and substituting the following:

303.2 *Enclosures*. Private swimming pools, hot tubs and spas capable of holding more than 24 inches of water shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

303.2.1 *Exceptions*.

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.
2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

A new subsection 303.3 is added as follows:

303.3 *Prohibition of Pool Rentals in Residential Zoning Districts*. The purpose of this section is to preserve the residential nature of neighborhoods and protect the public health, safety and welfare by prohibiting the rental, lease, or commercial use of swimming pools located on residentially zoned properties.

303.3.1 *Definitions*.

Swimming pool. Any structure intended for swimming, recreational bathing, or wading that is capable of containing water over 24 inches deep, including in-ground, above-ground, and on-ground pools.

Rental or commercial use. The use of a swimming pool by any person or group in exchange for a fee, admission charge, or other form of compensation, including but not limited to hourly, daily, or event-based pool rentals, or use arranged through online platforms or applications.

303.3.2 *Prohibitions*.

1. No person shall rent, lease, or otherwise make available a swimming pool for compensation in any residential zoning district.

2. No person shall advertise or list a residential swimming pool for rent or for commercial use.

3. This prohibition shall apply regardless of whether the rental or commercial use is continuous, occasional, or temporary.

303.3.3 Exceptions. The following uses are not prohibited.

1. Use of a swimming pool by residents of the property and their invited guests.

2. Use of a swimming pool owned and operated by a community association, public entity, or private club that is legally permitted within the zoning district.

SECTION 304—EXTERIOR STRUCTURE

304.13 Window, skylight and door frames is deleted in its entirety and replaced with the following:

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight. Temporary boarding of windows, skylights doors and frames shall not exceed 90 days except that fire damaged structures may be boarded for 270 days.

304.17 Guards for basement windows is deleted in its entirety and replaced with the following:

304.17 Guards for basement windows. Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents or other pests.

SECTION 305—INTERIOR STRUCTURE

SECTION 306—COMPONENT SERVICABILITY

SECTION 307—HANDRAILS AND GUARDRAILS

SECTION 308—RUBBISH AND GARBAGE

308.2 Disposal of rubbish is deleted in its entirety and replaced with the following:

308.2 Disposal of rubbish.

308.2.1 Rubbish and garbage disposal containers. Every occupant of a dwelling shall dispose of rubbish and garbage in a clean and sanitary manner by placing the rubbish and garbage in approved containers that are leakproof, covered, and

designed for outside garbage storage and disposal. The owner of the dwelling shall be responsible for providing the requisite rubbish and garbage containers.

308.2.2 Containers. The operator of every establishment producing rubbish and garbage shall provide, and always cause to be utilized, approved leakproof containers provided with close fitting covers for the storage of such materials until removed from the premises.

308.2.3 Rubbish and garbage; removal. Every owner of a residential rental property shall be responsible for providing tenants with regular rubbish and garbage removal services for the property. Compliance with the above obligations and the obligations set forth in 308.2.1 by every owner of a residential rental property shall be evidenced by way of the written verification that is required by chapter 19 of the *New Castle County Code*.

308.2.4 Exception: Written verification is not required for apartment complexes, condominium communities and similar subdivisions that provide common dumpsters for tenants. Property owners in communities with a sole source trash service provider may provide an affidavit.

308.2.5 Appliances. Doors and lids of refrigerators and other appliances must be removed or secured prior to disposal.

308.3 Disposal of garbage is deleted in its entirety and replaced with the following:

308.3 Dumpsters. In any residentially zoned district, the placement of dumpsters for disposable items is allowed for temporary use by the occupant of the dwelling for 30 days or the time period for which there is an active building permit open on the property. Such dumpster is subject to the following limitations:

1. The dumpster shall be set back a minimum of 3 feet from any property line;
2. Where feasible, the dumpster must be placed on a hard concrete or asphalt surface and may displace one or more off-street parking spaces, provided there is adequate on-street parking; and
3. The location of the dumpster shall not affect the health, safety and welfare of the neighborhood including, but not limited to, blocking access to a fire hydrant and obstructing the view of street intersections.

A new subsection 308.4 is added as follows:

308.4 Commercial business. Every owner, operator or occupant of a commercial business producing garbage or rubbish shall provide, and always cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. It shall be unlawful for any

person to cause or allow unsightly litter or potentially dangerous materials to remain on any property under his or her control.

A new subsection 308.5 is added as follows:

308.5 Food Establishments. Every owner, operator or occupant of a Food Establishment (as defined by the North American Industrial Classification System or "NAICS" Code 722, as published by the Federal government) in which garbage is produced, accumulated or generated shall cause such waste to be removed from the premises no less frequently than twice weekly, at intervals no more frequently than 72 hours, during the period from April 15th to October 15th. If such waste is removed more frequently than twice weekly, the 72-hour interval shall not apply.

A new subsection 308.6 is added as follows:

308.6 Rubbish and garbage containers; retrieval. Within 14 business days of termination or conclusion of an agreement for residential rubbish and/or garbage removal, or where, based on the circumstances, the hauler otherwise reasonably has notice that their services are no longer needed, the hauler shall retrieve all rubbish and garbage containers issued by the hauler at the residential property. Any hauler that fails to comply with this section shall be subject to the following:

308.6.1 First non-compliance (i.e., failure to comply within 14 business days of agreement termination or conclusion), shall subject the hauler to a fine of \$50.00 and may be subject to administrative penalties and fees established by this code.

308.6.2 Continual non-compliance which persists after 30 calendar days (from the date of the agreement termination or conclusion), in addition to the assessments set forth in 308.6.1, shall subject to a fine of \$50 per calendar day while the non-compliance persists. The hauler also may be subject to administrative penalties and fees established by this code.

SECTION 309—PEST ELIMINATION

309.3 *Single occupant* is deleted in its entirety and replaced with the following:

309.3 Single Owner. The owner of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.5 *Occupant* is deleted in its entirety.

SECTION 310—ACCESSIBILITY

SECTION 311—STORM SHELTERS

SECTION 312 is added as a new section as follows:

SECTION 312—INSPECTIONS OF COVERED BUILDINGS

312.1 *General*. Maintaining the structural and façade integrity of a building or structure throughout its service life is paramount importance to ensure that the building or structure does not pose a threat to the public health, safety and welfare.

1. The exterior of a building and the façade shall be maintained in good repair, and be structurally sound and sanitary so as to not pose a threat to the public health, safety and welfare.
2. Structural and façade inspections for common interest properties, such as a condominium building, is necessary to ensure that the building or structure does not pose a threat to the public health, safety and welfare and to the occupants of such building or structure.

312.2 *Definitions*. The following definitions apply to this section.

Corrective maintenance. Maintenance to be undertaken following the detection of deterioration of the primary load bearing system or the façade with the goal of remediating conditions reported by the design professional.

Covered building. For purposes of a structural inspection, a residential building or a mixed use building that is, wholly or in part, residential and is a common interest community building, including, for example, a condominium or cooperative building, as such terms are defined in 25 Del. C. ch. 81 (the "Delaware Uniform Common Interest Ownership Act" or "DUCIOA"), and has a primary load bearing system constructed of concrete, masonry, steel, or heavy timber, in addition to such buildings with structural slabs over unconditioned space.

Covered building. For purposes of a *façade inspection*, a residential building or a mixed use building that is, wholly or in part, residential and is a common interest community building, including, for example, a condominium or cooperative building as such terms are defined in DUCIOA, and is 4 stories or taller as measured from the lowest elevation of grade plane around the perimeter of the building, unless the building is 3 stories or less in which case only the balconies and decks on the second and third stories above grade plane shall be inspected.

Covered building owner. The owner, the owners' authorized agent, or the person having charge or control of a covered building.

Façade. All areas on the exterior of a building including all exterior walls and exterior wall covering; without limitation, a façade further includes cornices, belt courses, corbels, terra cotta trim, wall facings, and other decorative features, parapets, architectural trim and embellishments, and all connected or attached appurtenances

such as balconies and decks, and attached handrails, fire escapes, chimneys, hanging air conditioners, and window washing and exterior maintenance systems.

Primary load bearing system ("PLBS"). The assemblage of structural components within a building comprised of columns, beams, and/or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation.

312.3 *Primary load bearing system ("PLBS") inspections.* For each covered building, an initial structural inspection of the PLBS, which shall include inspection of the foundation, shall be performed in accordance with the most recently published American Society of Civil Engineers ("ASCE") *Guideline for Structural Condition Assessment of Existing Buildings* or other recognized equivalent standards by a design professional retained by the covered building owner to determine if conditions exist which potentially affect the structural capacity of the system. Initial PLBS inspections shall occur the earlier of the following dates.

312.3.1 Where the certificate of occupancy was issued prior to July 27, 2023:

1. by July 27, 2025; or
2. within sixty days after observable damage to the PLBS.

312.3.2 Where a certificate of occupancy was issued on or after July 27, 2023:

1. within 15 years of the date the certificate of occupancy was issued; or
2. within sixty days after observable damage to the PLBS.

312.4 *Structural report.* After a design professional has performed a required structural inspection, the design professional shall issue a written report describing the condition of the PLBS. The structural report shall:

1. Set forth with specificity all corrective maintenance or repairs necessary for the PLBS.
2. Determine when the subsequent inspection of the PLBS shall be performed.
3. Be prepared in accordance with protocol established by the most recently published ASCE or other recognized equivalent standards for the structural condition assessment of a covered building or a similar protocol by another nationally recognized structural engineering organization.
4. Provide any other information or guidance necessary to maintain the structural integrity of a covered building.

- 2385 5. Provide additional detailed evaluations necessary to evaluate any observed
2386 concerns.
2387
- 2388 6. If the design professional's report concludes that corrective maintenance of the
2389 PLBS is needed, the report shall specify with reasonable detail the required
2390 corrective maintenance including the estimated timing and an engineering cost
2391 estimate for the work to be performed.
2392

2393 312.5 *Subsequent structural inspections.* Notwithstanding the design professional's
2394 initial inspection and report, subsequent structural inspections and reports shall be
2395 provided as set forth by the design professional's initial and preceding reports as follows:
2396

2397 312.5.1 *Timeframe.* The design professional will determine a reasonable period of
2398 time within which the next structural inspection will take place provided, however,
2399 that any subsequent inspection shall not occur:
2400

- 2401 1. More than 10 years after a preceding inspection during the first 20 years
2402 following issuance of a certificate of occupancy; or
2403
- 2404 2. More than 5 years after a preceding inspection if the covered building is more
2405 than 20 years old.
2406

2407 312.5.2 *Subsequent reports.* The design professional shall review the preceding
2408 structural report prior to undertaking a subsequent structural inspection of the
2409 covered building. After the design professional completes this review and
2410 inspection, the design professional will then issue a subsequent structural report
2411 which shall:
2412

- 2413 1. Make note of any new or progressive deterioration.
2414
- 2415 2. Set forth the corrective maintenance required to address any new or
2416 progressive deterioration.
2417
- 2418 3. Describe any additional, more detailed evaluations that must be performed to
2419 evaluate in greater detail any observed concerns.
2420
- 2421 4. Identify when the next inspection of the PLBS shall be performed, but in no
2422 case shall such time exceed the timeframes provided in 312.5.1.
2423

2424 312.6 *Facade inspections of covered buildings.* An initial facade inspection of a covered
2425 building shall be undertaken in accordance with the most recently published
2426 ASCE *Guideline for Condition Assessment of the Building Envelope* or other recognized
2427 equivalent standards by a design professional retained by the covered building owner
2428 to review the condition of the facade to determine if conditions exist that potentially affect
2429 the integrity of the facade components that are supported by the PLBS as well as the
2430 potential for deterioration of moisture protection systems such as visually observable

joints, flashings, and weeps that could lead to deterioration of the underlying building components. If conditions which do not pose an immediate threat of harm to people or property are identified as a result of the inspection, a more detailed evaluation must be performed. Initial façade inspections shall occur the earlier of the following dates.

312.6.1 Where the certificate of occupancy was issued prior to July 27, 2023:

1. by July 27, 2025; or
2. within sixty days after observable damage to the façade.

312.6.2 Where a certificate of occupancy was issued on or after July 27, 2023:

1. within 5 years of the date the certificate of occupancy was issued; or
2. within sixty days after observable damage to the façade.

312.7 *Façade report.* After the design professional has performed an initial façade inspection, the design professional shall issue a written report describing the condition of the façade. The inspection report shall:

1. Identify with specificity any required corrective maintenance or repairs, not of an unsafe and imminently hazardous nature which shall be addressed immediately, relating to both the condition of the façade as well as the weatherproofing of the façade.
2. Identify when the next inspection of the façade shall be performed, but in no event shall a subsequent inspection occur more than 5 years after the initial inspection.
3. Describe any additional evaluations necessary to further evaluate any observed conditions.
4. Be prepared in accordance with protocol established by the most recently published *ASCE Guideline for Condition Assessment of the Building Envelope*, or a similar protocol by another nationally recognized organization.
5. Provide any further information or guidance necessary to maintain the facade of a covered building.
6. If the design professional's report concludes that corrective maintenance of the façade is needed, which is not of an unsafe and imminently dangerous nature, the report shall specify with reasonable detail the required corrective maintenance including the estimated timing and an engineering cost estimate for the work to be performed.

2477 312.8 *Subsequent façade inspections.* Notwithstanding the initial façade inspection
2478 and report, subsequent façade inspections and reports shall be provided.
2479

2480 312.8.1 *Timeframe.* The design professional will determine a reasonable time period
2481 within which the subsequent inspection shall occur, provided, however, that any
2482 subsequent inspection shall occur within 5 years of the preceding inspection.
2483

2484 312.8.2 *Subsequent reports.* The design professional shall review the preceding
2485 inspection report prior to undertaking subsequent inspections of the covered
2486 building. After the design professional completes this review and façade inspection,
2487 the design professional will then issue a subsequent inspection report which shall:
2488

- 2489 1. Identify any new or progressive deterioration.
- 2490
- 2491 2. Identify corrective maintenance necessary to address any new or progressive
2492 deterioration.
- 2493
- 2494 3. Describe any further evaluations that must be performed to more fully assess
2495 any observed conditions.
- 2496
- 2497 4. Identify when the next inspection of the façade shall be performed, but in no
2498 event shall a subsequent inspection occur more than 5 years after a
2499 proceeding inspection.
2500

2501 312.9 *Unsafe and imminently dangerous conditions.* If during any inspection, the design
2502 professional determines that an unsafe and imminently dangerous condition exists,
2503 necessary remedial steps to avoid harm to people or property shall immediately be
2504 taken by the covered building owner. The design professional or the covered building
2505 owner shall immediately notify the code official of the existence of any such condition
2506 so that appropriate action may be taken by the code official pursuant to sections 109
2507 ("Unsafe structures and equipment"), 110 (Emergency measures), or 111
2508 ("Demolition").
2509

2510 312.10 *Reports to code official.* Written reports issued by the design professional shall
2511 be promptly provided to the code official.
2512

2513 312.11 *Reports to covered building's owner.* Written reports issued by the design
2514 professional shall be promptly provided to the covered building owner. The covered
2515 building owner shall make reports available to any resident of the covered building upon
2516 request and post reports in a prominent location in the building.
2517

2518 312.12 *Recordation of certain reports.* Written reports issued by the design professional
2519 shall be recorded in the Office of the Recorder of Deeds in and for New Castle County
2520 by the covered building owner or the design professional.
2521

312.13 *Corrective measures.* The covered building owner shall undertake measures necessary to effectuate the corrective maintenance, including, but not limited to, engaging the services of a design professional licensed in the state and qualified in structural repairs or maintenance to create plans or specifications to implement the necessary corrective measures. The covered building owner shall cause any plans or specifications necessary to implement corrective measures to be filed with the Department.

312.14 *Costs.* Costs incurred by the Department relating to inspections of a covered building made under this section shall be recovered through a fee as determined by the code official, and shall be paid by the covered building owner.

312.15 *Department authority.* The Department is authorized to adopt policies and procedures to effectuate the intent and purpose of this section, and may create forms necessary for the implementation and administration of this section.

CHAPTER 4. LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS

CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

A new subsection 507.2 is added to read as follows:

507.2 *Discharge.* It shall be unlawful, on residential property, to cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of the premises owned or occupied by said person to discharge onto adjacent property other than as provided in subsections 507.2.1 and 507.2.2.

A new subsection 507.2.1 is added to read as follows:

507.2.1 *Exception.* Clear water may be legally discharged by any of the aforementioned mechanisms, provided that the point of discharge is in accordance with the following standards:

1. For a single family detached, duplex or end unit of any other dwelling type, the point of discharge, may not be closer than 5 feet from the side and rear property lines or closer than 10 feet from a public sidewalk or, in the absence of a public sidewalk, from the edge of the curb or roadbed; and provided a minimum 2 feet of pervious surface is located between the point of discharge and any property line over which the clear water may flow.
2. For an accessory structure, the point of discharge shall not be closer than 5 feet from the nearest property line.

- 2567 3. For an attached interior dwelling unit, the point of discharge may be parallel
2568 to or away from the common property line so that it is not directed across
2569 adjacent properties.
2570

2571 A new subsection 507.2.2 is added as follows:
2572

2573 507.2.2 *Approved discharges*. Notwithstanding any other provision, it shall be lawful
2574 to discharge clear water into a drainage swale or other stormwater collection device,
2575 in accordance with a recorded water easement or approved drainage or water
2576 management plan, or with the approval of the appropriate government agency.
2577

2578 **CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS**

2579
2580 602.3 *Heat supply* is amended by deleting the subsection in its entirety and substituting
2581 the following:
2582

2583 602.3 *Heat supply*. Every owner and operator of any building who rents, leases or lets
2584 one or more dwelling units or sleeping units on terms, either expressed or implied, to
2585 furnish heat to the occupants thereof shall supply heat during the period from October
2586 15 to April 15 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms,
2587 bathrooms and toilet rooms.
2588

2589 602.4 *Occupiable work spaces* is amended by deleting the subsection in its entirety and
2590 substituting the following:
2591

2592 602.4 *Occupiable work spaces*. Indoor occupiable work spaces shall be supplied with
2593 heat during the period from October 15 to April 15 to maintain a minimum temperature
2594 of 65°F (18°C) during the period the spaces are occupied.
2595

2596 604.1 *Facilities required* is amended by deleting the subsection in its entirety and
2597 substituting the following:
2598

2599 604.1 *Facilities required*. Every occupied building shall be provided with an electrical
2600 system in compliance with the requirements of this section and Section 605. All
2601 electrical facilities, components, outlets, fixtures and equipment in occupied buildings
2602 must be supplied with electricity.
2603

2604 **CHAPTER 7. FIRE SAFETY REQUIREMENTS**

2605
2606 Chapter 7 *Fire Safety Requirements* is amended by deleting all references to
2607 "International Fire Code" and any reference to a particular section of the International
2608 Fire Code and replacing the deleted text with the words "Delaware State Fire Prevention
2609 Regulations."
2610

2611 **CHAPTER 8. REFERENCED STANDARDS**

2612

Chapter 8 *Referenced Standards* is amended by deleting the references to “International Zoning Code” and “International Fire Code” that appear under the heading “ICC.”

Chapter 8 *Referenced Standards* is amended by adding the following:

State of Delaware Regulations

Delaware State Fire Prevention Regulations, effective September 1, 2021, as may be amended from time to time.

Section 3. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this ordinance.

Section 4. Continuation of existing ordinances and resolutions. The sections appearing in this ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 5. Continuation of existing institution, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding and or commenced in any civil action, nor any plea, defense, bar or matter existing before the times when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinances to the extent applicable.

Section 6. All the provisions of ordinances, resolutions, rules and regulations revised by this ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions.

Section 7. No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

Section 8. No such action or prosecution, pending on the effective date of the revisions provided in this ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this ordinance to the extent applicable.

2659 **Section 9.** The provisions in this ordinance shall not be constructed to abolish or
2660 impair existing remedies New Castle County or its officers or agencies relating to the
2661 remediation of any dangerous, unsafe, or unsanitary condition.
2662

2663 **Section 10. Severability.** It is hereby declared to be the intention of the County
2664 Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance
2665 are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance
2666 shall be declared unconstitutional or invalid by the valid judgment or decree of a court of
2667 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the
2668 remaining phrases, clauses, sentences, paragraphs and sections of this ordinance. If any
2669 provision of this ordinance is found to be unconstitutional or void, the applicable former
2670 ordinance provisions shall become effective and shall be considered as continuations
2671 thereof and not as new enactments regardless if severability is possible.
2672

2673 **Section 11. Other laws.** The provisions of the Code shall not be deemed to nullify
2674 any provisions of local, state, or federal law except as stated in Section 2 above.
2675

2676 **Section 12. Effective Date.** This ordinance shall be effective on January 1, 2026.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance updates and revises the *New Castle County Property Maintenance Code*. Section 1 revises and updates the table of contents for Chapter 7 to clarify that Article 1 of Chapter 7 is the *Property Maintenance Code*. Section 2 adopts the 2024 *International Property Maintenance Code*. Section 2 also amends provisions of the adopted code and adds new provisions that are specific to New Castle County. This Ordinance will provide a unified and comprehensive set of regulations for property maintenance issues. This Ordinance also provides enforcement provisions that are consistent with due process requirements and that will allow the County to protect the health, safety and welfare of its residents.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

Acknowledged by the Chief Financial Officer November 14, 2025.

ORDINANCE NO. 25-158

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
APPROPRIATE \$750,000 FROM THE REALTY TRANSFER TAX RESERVE TO THE
DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE EQUIPMENT BUDGET
LINE ITEM FOR THE FIRST PAYMENT OF THE RE-NEGOTIATED CONTRACT
WITH AXON ENTERPRISES**

1 **WHEREAS**, New Castle County, Department of Public Safety, Division of Police
2 has re-negotiated a ten-year contract with Axon Enterprises for hardware and software
3 related to Body-Worn Cameras (BWC), tasers, drones, the new Real-Time Information
4 Center, in-car cameras, evidence storage and Automatic License Plate Readers
5 (ALPRS); and
6

7 **WHEREAS**, the new contract requires immediate payment in December 2025
8 that was not included in the Division of Police's current operating budget; and
9

10 **WHEREAS**, corresponding Resolution 25-xxx will need to be passed by County
11 Council to authorize the County Executive to execute the new contract; and
12

13 **WHEREAS**, additional funding is needed to make the payment in December
14 2025 in the amount of \$750,000; and
15

16 **WHEREAS**, under the new contract, \$4,782,523.66 will have to be added to the
17 annual operating budget for the Division of Police between FY2027 and FY2029; and
18

19 **WHEREAS**, under the new contract, the annual payment will remain the same
20 from FY2029 through FY2035; and
21

22 **WHEREAS**, the revenue measures heretofore adopted by the County Council
23 are, in the opinion of the County Executive, estimated to yield sums at least sufficient to
24 balance the proposed expenditures as set forth in the Approved General Fund Annual
25 Operating Budget as hereinafter amended.
26

27 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
28

29 Section 1. The Annual Operating Budget for the fiscal year beginning July 1,
30 2025, is hereby amended by deleting the material stricken and adding the material
31 underscored on the attached "Exhibit A."
32

33 Section 2. The foregoing amendment shall be considered a part of the Annual
34 Operating Budget for the fiscal year beginning July 1, 2025, and shall be effective
35 retroactively as though incorporated initially in the Annual Operating Budget.
36

37 Section 3. This Ordinance shall become effective immediately upon its adoption
38 by County Council and approval by the County Executive, or as otherwise provided in 9
39 *Del. C. § 1156*.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2026 Approved Operating Budget by appropriating \$750,000 from the Realty Transfer Tax Reserve to the Department of Public Safety, Division of Police Equipment Budget Line Item. The Department of Public Safety, Division of Police re-negotiated a ten-year contract with Axon Enterprises for hardware and software related to Body-Worn Cameras (BWC), tasers, drones, the new Real-Time Information Center, in-car cameras, evidence storage and Automatic License Plate Readers (ALPRS). These funds are needed as the new contract requires immediate payment in December 2025 that was not included in the Division of Police's current operating budget. Corresponding Resolution 25-xxx will need to be passed by County Council to authorize the County Executive to execute the new contract.

FISCAL NOTE: This Ordinance, if approved, amends the FY2026 Approved Operating Budget by appropriating \$750,000 from the Realty Transfer Tax Reserve to the Department of Public Safety, Division of Police Equipment Budget Line Item.

The revised FY2026 Approved Operating Budget will be \$376,308,586. The fiscal impact to the Operating Budget will be \$750,000 in FY2026, \$2,237,323 in FY2027, \$500,000 in FY2028 and \$2,045,200.66 in FY2029. The annual payment will remain the same from FY2029 through FY2035. The Realty Transfer Tax Reserve estimated balance (unaudited) upon passage of this Ordinance will be \$27,337,278.

Acknowledged by the Chief Financial Officer November 6, 2025.

COUNTY COUNCIL

Salaries and Wages	\$	2,708,793
Benefits		1,525,869
Training and Civic Affairs		69,428
Communication and Utilities		16,274
Materials and Supplies		58,986
Contractual Services		256,281
Equipment		3,363
Grants and Fixed Charges		312,220
Operating Transfer Charges		195,519
Total	\$	5,146,733
Total Authorized Full-Time Positions		35

COUNTY EXECUTIVE

Salaries and Wages	\$	2,305,318
Benefits		1,293,169
Training and Civic Affairs		41,978
Communication and Utilities		19,550
Materials and Supplies		22,136
Contractual Services		247,891
Equipment		1,000
Grants and Fixed Charges		295,771
Contingency		55,000
Operating Transfer Charges		112,454
Total	\$	4,394,267
Total Authorized Full-Time Positions		17

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	14,072,608
Benefits		7,834,901
Training and Civic Affairs		190,005
Communication and Utilities		8,380,342
Materials and Supplies		157,693
Contractual Services		8,546,486
Equipment		428,395
Grants and Fixed Charges		3,987,850
Operating Transfer Charges		1,197,550
Operating Transfer Credits		(14,044,103)
Total	\$	30,751,727
Total Authorized Full-Time Positions		168

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	28,756,814
Benefits		16,093,269
Training and Civic Affairs		45,445
Communication and Utilities		27,456,675
Materials and Supplies		4,962,521
Contractual Services		11,103,035
Equipment		511,758
Grants and Fixed Charges		1,549,759
Land and Structures		50,000
Operating Transfer Charges		4,841,323
Operating Transfer Credits		(7,876,371)
Total	\$	87,494,228
Total Authorized Full-Time Positions	389	

DEPARTMENT OF LAND USE

Salaries and Wages	\$	8,986,033
Benefits		5,031,240
Training and Civic Affairs		66,975
Communication and Utilities		103,015
Materials and Supplies		107,727
Contractual Services		1,524,109
Equipment		67,740
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,071,279
Total	\$	17,014,618
Total Authorized Full-Time Positions	113	

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	13,653,916
Benefits		5,874,643
Training and Civic Affairs		18,920
Communication and Utilities		1,577,473
Materials and Supplies		1,628,039
Contractual Services		3,887,527
Equipment		36,919
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,396,115
Operating Transfer Credits		(243,749)
Total	\$	31,064,952
Total Authorized Full-Time Positions	162	

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages		\$	78,231,240
Benefits			43,444,049
Training and Civic Affairs			205,206
Communication and Utilities			992,877
Materials and Supplies			1,319,347
Contractual Services			2,458,322
Equipment	1,661,783		<u>2,411,783</u>
Grants and Fixed Charges			11,672,040
Operating Transfer Charges			8,501,518
Total	<u>148,486,382</u>	\$	<u>149,236,382</u>
Total Authorized Full-Time Positions	729		

REGISTER OF WILLS

Salaries and Wages		\$	1,219,161
Benefits			669,258
Training and Civic Affairs			34,950
Communication and Utilities			10,257
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			97,749
Total		\$	<u>2,106,943</u>
Total Authorized Full-Time Positions	20		

RECORDER OF DEEDS

Salaries and Wages	\$	1,377,085
Benefits		764,405
Training and Civic Affairs		40,170
Communication and Utilities		30,665
Materials and Supplies		12,398
Contractual Services		83,945
Equipment		6,150
Grants and Fixed Charges		18,350
Operating Transfer Charges		172,975
Total	\$	2,506,143
Total Authorized Full-Time Positions		23

SHERIFF

Salaries and Wages	\$	1,482,722
Benefits		835,738
Training and Civic Affairs		29,452
Communication and Utilities		12,261
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		150,197
Total	\$	2,592,628
Total Authorized Full-Time Positions		21

CLERK OF THE PEACE

Salaries and Wages	\$	538,617
Benefits		303,592
Training and Civic Affairs		9,600
Communication and Utilities		3,586
Materials and Supplies		8,754
Contractual Services		18,268
Equipment Replacement		0
Operating Transfer Charges		35,085
Total	\$	917,502
Total Authorized Full-Time Positions		7

DEBT SERVICE

Debt Service	\$	47,892,496
Total	\$	47,892,496
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	\$	44,477
Benefits		4,092
Training and Civic Affairs		10,500
Communication and Utilities		1,745
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,796
Total	\$	306,307
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	347,229
Total	\$	347,229
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

BENEFITS CONTINGENCY

Contingency	\$	2,250,000
Total	\$	2,250,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(6,107,378)
Personal Services - Employee Benefits	\$	(3,442,422)
Total	\$	(9,549,800)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,156,231
Total	\$	1,156,231

NEW CASTLE COUNTY

Salaries and Wages		\$	147,269,406
Benefits			80,231,803
Training and Civic Affairs			762,629
Communication and Utilities			38,604,720
Materials and Supplies			8,311,363
Contractual Services			28,480,325
Equipment	2,725,408		<u>3,475,408</u>
Grants and Fixed Charges			21,127,639
Debt Service			47,892,496
Land and Structures			50,000
Contingency			4,488,460
Operating Transfer Charges			17,778,560
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>	<i>375,558,586</i>	\$	<u>376,308,586</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,684</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 28, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	41,409,374
Sewer Rate Stabilization Reserve Account	10,355,693
General Fund Budget Reserve Account	46,910,980
Sewer Fund Budget Reserve Account	19,038,698
<i>Total Reserves:</i>	<u>117,714,745</u>

RESOLUTION NO. 25-201

**CONSENTING TO THE APPOINTMENT OF CHASE BARNES
TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT**

1 **WHEREAS**, the New Castle County Board of Adjustment ("Board") consists of 7 members who
2 are required to be residents of New Castle County, who have knowledge of, and experience in, the
3 problems of urban and rural development, and who, at the time of appointment, are not permitted to
4 be candidates or candidates-elect for, or incumbents of, elective public office pursuant to 9 *Del. C.*
5 *§§1311-1314* and *New Castle County Code §40.30.320*); and
6

7 **WHEREAS**, the Board is empowered to hear and decide appeals in zoning matters,
8 applications for special exceptions or special permits, and, in specific cases, variance requests from
9 any zoning ordinance, code or regulation that will not be contrary to the public interest; and
10

11 **WHEREAS**, the County Executive, with the advice and consent of the County Council,
12 appoints 6 members for terms of 4 years. Further, the County Executive, with the advice and consent
13 of the County Council, appoints 1 member who is the chairperson and who serves at the pleasure of
14 the County Executive; and
15

16 **WHEREAS**, the County Executive has submitted for the advice and consent of County Council
17 the appointment of Chase Barnes to the Board; and
18

19 **WHEREAS**, Mr. Barnes is the Assistant Policy Scientist for University of Delaware's Institute
20 for Public Administration, and his experience and knowledge will greatly benefit New Castle County's
21 Board of Adjustment.
22

23 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle County
24 that County Council hereby consents to the appointment of Chase Barnes to the New Castle County
25 Board of Adjustment for a term to begin upon adoption of this Resolution and to expire on November
26 25, 2029.

Adopted by the County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There will be no discernible fiscal impact upon the adoption of this legislation.

RESOLUTION NO. 25-202

**APPROVING THE REFUND OF A DUPLICATE TAX PAYMENT ON TAX PARCEL NUMBER
09-018.000-30**

1 **WHEREAS**, Delaware SPCA Holding, LLC Tax Parcel Number 09-018.000-30 located in
2 Council District 1 has submitted to County Council, through the Chief Financial Officer, an
3 affidavit requesting a refund of taxes which they believe were paid in duplicate and which total
4 more than \$20,000.00; and
5

6 **WHEREAS**, the Chief Financial Officer has approved the payment of said refund in the
7 amount of \$27,047.19 on the grounds that duplicate tax payments of \$27,047.19 each were
8 made in September 2025 by Delaware SPCA Holding, LLC and by the tenant Two Farms Inc.
9 Royal Farms; and
10

11 **WHEREAS**, the Chief Financial Officer shall not, without the express approval of County
12 Council by Resolution, refund any payment as permitted in §14.03.001, received more than five
13 (5) years prior to the date of receipt by the Office of Finance of the refund application, unless the
14 amount of the refund is not more than twenty thousand dollars (\$20,000.00), in which case the
15 Chief Financial Officer may process it in accordance with the procedures set forth in §14.03.001;
16 and
17

18 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
19 County, that New Castle County Council hereby authorizes the Chief Financial Officer to refund
20 taxes paid in duplicate in the amount of \$27,047.19 to Two Farms Inc. Royal Farms.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council of
New Castle County

SYNOPSIS: This Resolution allows for the refund of a duplicate tax payment on Tax Parcel Number 09-018.000-30 totaling \$27,047.19. According to *New Castle County Code* Article 3, §14.03.001.C, the Chief Financial Officer's authority to approve refunds is limited to \$20,000.00 and pursuant to Article 3, §14.03.002.A, the Chief Financial Officer shall not "without the express approval of County Council by resolution, refund any payment as permitted in §14.03.001, received more than five (5) years prior to the date of receipt by the Office of Finance of the refund application, unless the amount of the refund is not more than twenty thousand dollars (\$20,000.00), in which case the Chief Financial Officer may process it in accordance with the procedures set forth in §14.03.001."

FISCAL NOTE: This Resolution, if adopted, will authorize the refund of a duplicate tax payment in the amount of \$27,047.19 paid in duplicate comprised of taxes.

Acknowledged by the Chief Financial Officer November 13, 2025.