

## **ORDINANCE NO. 3858**

### **AN ORDINANCE ESTABLISHING REGULATION ON THE DEMOLITION OF STRUCTURES**

WHEREAS, when structures are demolished in the City, the water line servicing the property should be capped at the point the water line connects to the City's water main; and,

WHEREAS, frequently the water line is not capped at the proper location or is improperly capped, which causes problems in the operation of the City's water utility; and,

WHEREAS, the City believes that with respect to single and double family residential structures it is in the best interest of the water utility for its own workforce to perform this service and should impose a fee to recoup the costs incurred in the capping of the water line and the repair of the right of way that is damaged in performing the work; and

WHEREAS, the City believes that persons who demolish commercial structures should be required to properly cap the water line and must have the City Building Inspector confirm that the work has been properly performed.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of New Castle, Indiana, as follows:

1. Any person who demolishes a Class 2 Structure (as that term is defined by Indiana Code §22-12-1-5) connected to the City's water utility that is serviced by a water meter with a size of one inch (1") or less, shall pay a fee of one thousand dollars (\$1,000.00) in the office of the City Building Inspector at the time the person obtains a permit to demolish the structure.

2. The fee paid to the City pursuant to this Ordinance shall be utilized to offset the City's costs incurred in capping the water line servicing the property at the location within the right-of-way that the water line connects to the water main. The City shall also repair any damage to the sidewalk, road or other portion of the right-of-way that is damaged in performing the work.

3. If, at the time of making application to obtain a permit to demolish a structure, a person indicates in writing that the person, within six (6) months after the completion of the demolition, intends to rebuild a new structure that will be connected to the City's water utility, the fee paid pursuant to paragraph 1 above will be held in the Non-Reverting Demolition Water Utility Fund and will be returned to the person if the new structure is constructed and properly connected to the City's water utility within six (6) months following the completion of the demolition. If the new structure is not constructed and properly connected to the City's water utility within six (6) months after the demolition is completed, the City shall perform the work described in paragraph two (2) above and the fee paid pursuant to paragraph one (1) above shall be retained by the City to offset its costs in performing the work.

4. Any person who demolishes a Class 1 Structure (as that term is defined by Indiana Code §22-12-1-5) connected to the City's water utility or a property that is serviced by a water meter with a size greater than one inch (1") shall cap the water line servicing the property at the location within the right-of-way that the water line connects to the water main and shall repair any damage to the sidewalk, road or other portion of the right-of-way that is damaged in performing the work. The person shall contact the City Building Inspector prior to completing the work to verify that the water line has been properly terminated.

5. Any person that performs a demolition subject to this Ordinance and does not comply with the obligations imposed under this Ordinance shall be fined in a sum up to One Thousand Dollars (\$ 1,000.00). In addition, if a person fails to comply with the requirements of paragraph four (4) above, the City shall be entitled to perform the required work or to verify the work has been properly performed utilizing the services one or more contractors and the person who failed to comply with paragraph four (4) above shall be liable for all costs incurred by the City in performing the work or verifying the work has been properly performed.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication as required by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Greg York, Presiding Officer,  
Common Council, City  
of New Castle, Indiana

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ATTEST:

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Brenda Grider, Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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Greg York, Mayor of the City  
of New Castle, Indiana