City of Dover

CITY OF DOVER ORDINANCE #2024-15

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 - Buildings and Building Regulations, be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 22-1. Construction and property maintenance code board of appeals.

(a) *Established; composition; appointment.* There shall be a committee to be referred to as the "construction and property maintenance code board of appeals," consisting of five members. The council president shall appoint three elected city officials and the mayor shall appoint one city resident generally selected as a representative of homeowners and one representative of the local real estate industry association. Members shall serve one-year terms unless sooner removed. All appointments are subject to confirmation by the city council at its second regular meeting in May. The construction and property maintenance code board of appeals shall elect one of its members as chairperson.

(b) *Appeals.* Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing.* Upon receipt of such an appeal, the construction and property maintenance code board of appeals shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

Sec. 22-2. Housing authority created; purpose.

Created; purpose. There shall be a housing authority as provided in 31 Del. C.

Secs. 22-3—22-30. Reserved.

ARTICLE II. BUILDING INSPECTOR

Sec. 22-31. Office created; appointment.

There is hereby created the office of building inspector. The building inspector shall be selected by the city council during its annual meeting.

Sec. 22-32. Additional powers and authority.

Along with other powers and authority granted to the building inspector in this chapter, including the codes adopted herein, the building inspector shall have the following powers and authority:

(1) *Temporary certificates of occupancy.* The building inspector shall have authority to issue temporary certificates of occupancy for buildings and structures which do not comply with the codes, upon the terms and conditions as set forth in this section.

(2) *Affidavit to complete work.* In the event that the owner and builder of a structure are in agreement that certain items, such as grading, seeding, soil stabilization, and other similar work, cannot be completed because of the weather or the season, but that these items can be completed by the builder after a temporary certificate of occupancy is granted, and the owner takes possession of the property, then the building inspector may grant a temporary certificate of occupancy, conditioned upon the builder executing an affidavit agreeing to complete the necessary items specified therein, within a time period specified therein, with sanctions to be imposed by the building inspector for noncompliance by the builder, to include, but not to be limited to, revocation of the temporary certificate of occupancy, refusal to issue to the builder further building permits on other parcels, and such other administrative action as the building inspector may deem appropriate.

(3) *Hardship.* Upon adequate hardship being shown to the building inspector and upon agreement of all parties, including the owner or equitable owner and the builder, the building inspector may issue temporary certificates of occupancy for buildings and structures where any work of a minor nature is required in the future to comply with the codes, provided that all parties sign an agreement to this effect and the builder executes an affidavit, with the conditions and stipulations provided in subsection (2) of this section, agreeing to the imposition of sanctions for noncompliance to be imposed by the building inspector.

(4) *Agreements and affidavits for granting certificates.* The building inspector shall prepare uniform agreements and affidavits to be used in granting temporary certificates of occupancy as stated herein.

(5) The building inspector or his duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour, as necessary, in the execution of their duties.

a. The building inspector shall notify the owner and tenant before conducting any inspection.

b. The building inspector or his duly authorized assistants shall display identification signed by the city manager upon commencing an inspection.

c. Inspections shall be commenced in the presence of the owner, or his representative or tenant.

Secs. 22-33—22-60. Reserved.

ARTICLE III. BUILDING CODE

Sec. 22-61. Adopted.

(a) *International Building Code adopted.* Certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Building Code, 2009 Edition" as published by the International Code Council be and is hereby adopted as the Building Code of the City of Dover in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes as follows:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

105.2 Work exempt from permit.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area does not exceed 120 square feet.
2. Oil derricks.
3. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
4. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24" (610 mm) or more, and do not exceed 5,000 gallons (18925L) and installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment accessory to a one or two-family dwelling. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U Occupancies.
9. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

Section 105.5. Expiration. Insert the following text following the word "demonstrated" at the end of the section: "and does not exceed the 3-year time limit as stated in 105.5.2."; and insert the following subsections:

105.5.1. Time limitation of permit. A permit for any activity for which a permit is required shall be valid for 180 days from the date of issuance. One 180-day extension may be granted without additional charge to the permit holder. Additional 180-day extensions may be granted with payment of a renewal fee as specified in Appendix F: Fees and Fines.

105.5.2. Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within three (3) years after issuance of the building permit. If not completed within three (3) years, a new building permit must be obtained and any associated fees paid incurred by the previous submission.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 Submittal documents. Insert: "Construction documents, statement of special inspections, structural observation programs and other data, for new construction, alterations, repairs, expansion, additions or modifications of buildings or structures, which involve the practice of architecture or engineering, as defined by the professional registration laws of the State of Delaware shall be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration or licensing laws, statutes, regulations or administration provisions of the State of Delaware." in place of "Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statues of the jurisdiction in which the project is to be constructed."

Section 108.3. 109.3 Insert: "see Section 22-65 Fees for permits" in place of "in accordance with the schedule as established by the applicable governing authority". New construction valuation will be confirmed using the most current ICC valuation chart information unless otherwise approved by the authority having jurisdiction.

SECTION 113 BOARD OF APPEALS. See Chapter 22—Buildings and Building Regulations, Article I—In General, Sec. 22-1 Construction and property maintenance code board of appeals.

Section 114.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code shall be

charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine as provided for in Appendix F—Fees and Fines, or by imprisonment thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 114.3 Unlawful continuance. Insert: "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 charged with a violation of this section and shall be fined as provided for in Appendix F—Fees and Fines. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines as provided for in Appendix F—Fees and Fines. Each day that a violation continues shall be deemed a separate offense." in place of: "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 a violation or unsafe condition, shall be subject to penalties as prescribed by law."

Section 1612.3. Flood Insurance Study for the City of Dover, dated July 7, 2014, or as subsequently amended or revised.

Section 1612.4.1 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 18 inches, whichever is higher.

Section 3410.2 Applicability. Insert "April 4, 1984" in place of [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION].

(b) *International Residential Code Adopted.* That certain document, three copies of which are on file in the Licensing and Permitting Office in the city, being marked and designated as the International Residential Code 2009 edition, as published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems in the city and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, as referenced in the building code adopted in subsection (a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Residential Code are hereby revised:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

Section R105.2. Work exempt from permit, Building - 1. Insert "120" in place of "200". Delete numbers 2 through 5 in their entirety. Replace number 7 with the following: "Prefabricated

swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24" (610 mm) or more, and do not exceed 5,000 gallons (18925L) and installed entirely above ground.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Insert: "Construction documents, statement of special inspections, structural observation programs and other data, for new construction, alterations, repairs, expansion, additions or modifications of buildings or structures, shall be submitted in 2 sets and as defined by the professional registration laws of the State of Delaware and be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration or licensing laws, statutes, regulations or administration provisions of the State of Delaware." in place of "shall be prepared by a registered design professional where required by the statues of the jurisdiction in which the project is to be constructed". Where special conditions exist, the building official is authorized to require additional construction documents as described here.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

SECTION R108 FEES

R108.2 Schedule of permit fees. Insert "see Section 22-65 Fees for permits " in place of "in accordance with the schedule as established by the applicable governing authority".

SECTION R112 BOARD OF APPEALS See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

SECTION R113 VIOLATIONS

Section 113.4 Violation Penalties. Insert "See Section 22-61 (a) Section 113.4 Violation Penalties" in place of "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector,

or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

SECTION R114 STOP WORK ORDER

Section R114.2 Unlawful continuance. Insert: "See Section 22-61 (a) International Building Code, Section 114.3 Unlawful continuance" in place of "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 a violation or unsafe condition, shall be subject to penalties as prescribed by law."

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category[f]	Subject to Damage From			Winter Design Temp[e]	Ice Barrier Underlayment Required[h]	Flood Hazards[g]	Air Freezing Index[i]	Mean Annual Temperature[j]
	Speed[d] (mph)	Topographic effects[k]		Weathering[a]	Frost line Depth[b]	Termite[c]					
25	95 gust 77 fastest	NO	A	Severe	24"	Moderate To Heavy	14°	NO	Adopted in Chapter 50 of the Code of the City of Dover	450	55°

Table R301.2(1), footnote (g): September 16, 1982, Flood Insurance Study for Kent County and Incorporated Areas, dated July 7, 2014, or as subsequently amended or revised.

Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS. Insert the following at the end of footnote "c": Calculations demonstrating compliance with the minimum live load shall be provided by a registered design professional for stairs and fire escapes that do not have additional "stringer" or "carriage" support located and equally distributed in the middle section of the stair width.

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS—Delete this section in its entirety.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 18 inches or the design flood elevation, whichever is higher.

2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 18 inches or at least 3.5 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 18 inches or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

CHAPTER 4 FOUNDATIONS

SECTION R403 FOOTINGS

R403.1.1 Minimum size. Insert "The minimum thickness of a footing shall be the nominal width of the wall but not less than 8 inches. The nominal width of the footings shall be twice the nominal thickness of the wall. Two story sections of a building shall have a minimum footing width of 24 inches and a minimum footing depth of 10 inches." in place of " Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table 401.4.1. Spread footings shall be at least 6 inches in thickness. Footing projections, P, shall be at least 2 inches and shall not exceed the thickness of the footing." Insert ", but in all cases shall be a minimum of 24 inches × 24 inches × 12 inches deep." at the end of the following sentence: "The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table 401.4.1."

R403.1.2 Continuous footings in Seismic Design Categories D1 and D2. Delete in its entirety and Insert: R403.1.2 Footing reinforcement. Footings shall be reinforced with a minimum of two #4 rebar wired together with a minimum 15" overlap; pier footings with a minimum of two #4 rebar wired together in two directions, and column footings with three #4 rebar wired together in two directions.

R403.1.3 Seismic reinforcing. Delete in its entirety.

R403.1.4 Minimum Depth. Insert "24" in place of "12".

Amend R403.1.4.1 Frost protection—Exceptions to read:

1. Frost Protection of freestanding residential accessory/utility structures with an area of 240 square feet or less and an eave height of 10 feet or less, except for pole buildings and garages, shall not be required to be frost protected. Freestanding accessory structures (sheds) between 120 sf and 240 sf shall be secured with tie-downs or equivalent manufactured home fastening devices on each corner. Structures 20 feet or more in length shall have additional anchors attached in the center of each side unless frost protection applies as stated herein. All accessory/utility structures greater than 240 square feet, all pole buildings and all garages shall have frost protection (footings).
2. Decks not supported by a dwelling shall also be provided with footings that extend below the frost line. Single story supported in part by a dwelling and with 4" × 4" posts shall have footings that are a minimum of 8 inches in diameter; with 6" × 6" posts a minimum of 12" diameter is required; the bottom of all such footings shall be a minimum of 24" below finished grade and be at least 6" deep.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

(c) *The ICC Performance Code for Buildings and Facilities.* That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The ICC Performance Code for Buildings and Facilities 2009 Edition" as published by the International Code Council be and is hereby adopted as the Performance Code of the City of Dover in the State of Delaware for regulating and governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building and/or fire protection systems in the city.

(d) *The International Existing Building Code.* That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Existing Building Code 2009 Edition" as published by the International Code Council be and is hereby adopted as the Existing Building Code of the City of Dover in the State of Delaware for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided.

(e) *The International Energy Conservation Code.* That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Energy Conservation Code 2009 Edition" as published by the International Code Council be and is hereby adopted as the Energy Conservation Code of the City of Dover in the State of Delaware for regulating and governing energy efficient building envelopes and installation of energy-efficient mechanical, lighting and power systems as herein provided.

Sec. 22-62. Definitions.

(a) Whenever the term "municipality" or "city" is used in the publications adopted by reference in this article, it shall be construed to mean the City of Dover, Delaware.

(b) Whenever the term "corporation council" or "city attorney" is used in the publications adopted by reference in this article, it shall be construed to mean the city solicitor.

(c) Whenever in the publications adopted by reference in this article a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

Sec. 22-63. Conflicting provisions.

In the event of any conflict between the provisions of the publications adopted by reference in this article and applicable provisions of state law, this Code or any other ordinance, rule or regulation, the provisions of state law, this Code, or such other ordinance, rule or regulation shall prevail and be controlling.

Sec. 22-64. Enforcement.

The building inspector shall enforce the provisions of this article.

Sec. 22-65. Permit fees.

(a) *[Fees.]* Before any permit shall be issued for buildings, fences, signs, swimming pools, demolitions, moving, or construction plan reviews, a fee shall be paid unto the city as provided for in Appendix F—Fees and Fines.

(b) *Reinspection's.* There will be no charge for the first reinspection of a permit. For subsequent reinspection's the applicant shall pay a fee as provided for in Appendix F.

(c) *Doubling fees.* Fees for building, fence, sign, swimming pool, demolition, or moving permits shall double in the event that a permit is applied for after construction has commenced without the permission of the building inspector. The building inspector may waive the doubling of fees in cases where the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.

(d) *Fines.* A fine shall be issued when any code official discovers any project has started or has been completed without an approved permit.

Secs. 22-66—22-100. Reserved.

ARTICLE IV. ELECTRICAL INSTALLATIONS

Sec. 22-101. Electrical code adopted.

(a) *Copies filed; effect*. There is hereby adopted by reference, for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures**,** or outdoor electrical displays or signs, that certain code known as the "National Electrical Code," as recommended by the National Fire Protection Association, and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling for all electrical wiring and apparatus in buildings, structures, or outdoor electrical displays, or signs within the city.

(b) *Violations.* It shall be unlawful for any person to violate any of the provisions of the code adopted in subsection (a) of this section.

Sec. 22-102. Enforcement and inspections generally.

The publication adopted by reference in this article shall be enforced by the office of the building inspector. The building inspector shall, upon the installation, renewal, extension**,** and reception of any electric wiring and electric apparatus pursuant to this article, cause an inspection or inspections to be made by himself or his duly authorized agents, to determine that the electrical work conforms with the provisions of this article of the city and the statutes of the state.

Sec. 22-103. Approved materials, fittings, and devices.

Only the materials, fittings**,** and devices enumerated in the listings of Underwriters' Laboratories, Inc., or approved by the inspection authority, as revised from time to time, shall be used in the electrical work regulated by this article.

Sec. 22-104. Emergency shutoff switch required for certain appliances.

Whenever an application for inspection is required under the terms of this article for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the construction, reconstruction, alteration**,** or repair of buildings or structures, there shall be installed an emergency shutoff switch, with a red plate thereon marked "oil burner" or "gas burner," as the case may be, at the entrance to the basement or heating room.

Sec. 22-105. Application for inspection.

(a) *Required.* No person shall install, receive, renew, or extend electrical wires or conductors to be used for the transmission of electric current for electric light, heat**,** or power purposes in existing buildings, structures**,** or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for an application for inspection to do so pursuant to the provisions of this article.

(b) *Addressee*. All such applications for inspection shall be made to the building inspector or, in lieu thereof, to the city's authorized inspection agency, hereinafter referred to as that agency specializing in such inspections, as determined, and approved by the building inspector.

(c) *Form; contents*. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electrical wiring and electrical apparatus complies with all ordinances of the city or laws of the state.

(d) *Fee.* Each such application form shall be accompanied by a fee as prescribed by this article.

(e) *Proof to building inspector.* The city's authorized inspection agency shall furnish to such building inspector proof, in writing, that an application for inspection of the proposed electrical wiring and electrical apparatus has been made to such agency to determine that the electrical work conforms with the provisions of this article. The payment of all inspection fees and charges of such agency shall be borne by the applicant.

(f) *Inspection of premises.* Each applicant for inspection shall cause the premises covered by the application to be open for inspection to the building inspector and his agents and the representative or representatives of the city's authorized inspection agency at all reasonable times.

(g) *Certificate of approval.* Upon determination by the building inspector or any authorized inspection organization that the proposed electrical wiring and electrical apparatus comply with the National Electrical Code adopted in this article and the provisions of this article and the provisions of the city ordinances and the laws of the state, a certificate of approval shall be issued forthwith.

(h) *Expiration.* All applications for inspections shall expire at the expiration of one year from the date of issuance by the building inspector or the city's authorized inspection agency.

(i) *False information.* Any person making any false answer to any of the questions or items set forth in such application form shall forthwith forfeit and surrender any application issued pursuant thereto.

Sec. 22-106. Inspection of work under application.

(a) *Purpose; concealed wiring.* All inspections shall be made to ensure that the proposed electrical work complies with the provisions of this article. No electric wiring shall be concealed unless inspected and approved by the building inspector or his agents and the representative of the city's authorized inspection agency, but such inspection or

reinspection shall be made within a reasonable time after notice of the completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the city's authorized inspection agency shall be filed with the building inspector.

(b) *Decisions by building inspector.* All decisions made to determine whether or not the proposed electrical work complies with the provisions of the National Electrical Code shall be made by the building inspector.

(c) *Stop work orders.* The building inspector shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with all ordinances and the laws of the state.

(d) *Waiver of inspection.* The building inspector may waive his inspection of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the city's authorized inspection agency that it complies with the provisions of this article. The building inspector shall be informed of all violations not corrected within 15 days of notification to the contractor by the city's authorized inspection agency.

Sec. 22-107. Inspection of existing wiring and apparatus.

(a) *Required*. In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the city, the building inspector is hereby given the duty to inspect with his agents and the representative of the city's authorized inspection agency, when requested by proper authority, or when public interest so requires, any premises within the city at reasonable times to ensure that the existing electric wiring system and apparatus are not defective and unsafe.

(b) *Decisions by building inspector.* All decisions that the existing electric wiring system and apparatus is defective shall be made by the building inspector, in writing, on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address as shown on the latest tax records, with reasons for his decision.

(c) *Corrections.* Upon the building inspector's decision that the existing electric wiring system is defective and unsafe as aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with the provisions of this article.

Sec. 22-108. Permit exemptions.

(a) *Enumerated.* No permit shall be required under this article for the following electrical work:

(1) *Minor repairs*. Any minor repair work, such as the replacement of lamps and fuses;

(2) *Utility companies.* Any electric light or power company, electric railway company, steam railway company, diesel railway company, or telegraph or telephone company, and any person performing the electrical work of any such company, when such work is a part of the plant, or services used by the company in rendering its authorized service to the public;

(3) *Employees on the premises.* Any person employed by any other person to repair and maintain or to supervise the repair and maintenance of any electrical equipment on the premises and buildings of the employer;

(4) *Home installations.* Any person who installs his own electrical work, service, or equipment in or about his own home and not for sale, except that such person shall be required to file an application for inspection with the proper electrical inspection authority;

(5) *Supervised employees.* Any employee of any person engaged in the performance of electrical work while under the supervision of any master electrician, or general master electrician limited;

(6) *Agricultural property.* Property used exclusively for agricultural purposes, except for the necessity to file for an application for an inspection certificate with the authorized inspection authority where new installations are involved;

(7) *Electrical engineers.* Any manufacturing or industrial establishment retaining in its own employment a professional electrical engineer with at least ten years experience in planning and design. Such engineer may inspect the plant's additional electrical installations if the said industrial plant files with the state board of electrical examiners and the building inspector the name of the electrical engineer that would be responsible for such electrical inspection and files with the board of electrical examiners and the building inspector a letter stating that all additional electrical installations meet the minimum standards of the National Electrical Code once a year.

(b) *Insertion of devices, appliances.* Nothing in this article shall be construed so as to forbid the insertion in electrical circuits by unlicensed persons of devices or appliances which are

properly designed for such insertion and for which proper wiring and insertion devices are installed.

(c) *Heating, etc.* Nothing in this article shall be so construed as to restrict anyone from servicing equipment in the fields of heating, air conditioning, refrigeration, or appliances.

Sec. 22-109. Permit fees.

(a) *No fee.* There shall be no fee for permits or renewals thereof by the building inspector as may be required by this article.

(b) *Applications for inspections.* Fees for applications for inspections issued by the city's authorized inspection agency, as may be required of this article, shall be as determined by said agency and approved by the building inspector.

Sec. 22-110. Violations.

Any person who shall violate any of the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall do or cause to be done electrical work in violation of any detailed statement, or specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building inspector within the time fixed therein, shall, severally for each and every such violation and noncompliance respectively, be punished as provided for in Appendix F—Fees and Fines. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

Sec. 22-111. Modifications.

The building inspector shall have the power to modify any of the provisions of this article, upon application, in writing, by the owner of a premises or his agent, when there are practical difficulties in the way of carrying out the strict letter of this article, provided that the spirit of this article shall be observed, public safety secured, and substantial justice done.

Sec. 22-112. Appeals.

(a) *Demand for hearing.* Every applicant and owner of a premises and other parties in interest shall have the right to demand, in writing, a hearing before the board of adjustment to contest any decision or order made by the building inspector pursuant to this article. Such demand for a hearing shall be signed by the contesting party, stating what portions of the building inspector's decision or orders are contested and his interest in the premises.

(b) *Time and place for hearing; notice.* The board of adjustment shall fix a time and place for the hearing, not less than ten days, nor more than 30 days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, owner of the premises and other parties in interest.

(c) *Appearances; evidence.* The contestant, owner of the premises, and other parties in interest shall have the right to appear in person, or otherwise, and give testimony at the hearing, and the rules of evidence prevailing in the courts shall not be controlling.

(d) *Decision; service on parties in interest.* The board of adjustment, within a reasonable time after such a hearing, shall make its decision, and the city clerk shall serve a copy of the decision personally or by regular mail on the contestant, owner of the premises, and other parties in interest.

Sec. 22-113. Restriction on city's liability and inspections.

The city shall not incur liability, with regard to the installation, wiring, or appliances used, from any violation of this article or from any accident resulting from the installation, and shall not be obliged to inspect any installation before or after electricity is introduced.

Secs. 22-114—22-140. Reserved.

ARTICLE V. MECHANICAL CODE

Sec. 22-141. Adopted.

(a) Certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as the International Mechanical Code 2009 Edition, including appendix chapter "A", as referenced in the building code adopted in 22-61(a), published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions, and terms of such International Mechanical Code, as referenced in the building code adopted in section 22-61(a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Mechanical Code are hereby revised:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

106.5 Fee Schedule. Insert "See DCO Section 22-145 Heating, air conditioning, and heat pump permit fees" in place of "The fees for all mechanical work shall be as indicated in the following schedule:"

In place of:

Section 106.5.3 Fee refunds. Delete in its entirety.

SECTION 108 VIOLATIONS

Section 108.4 Violation Penalties. Insert "See Section 22-61(a) International Building Code Section 113.4, Violation Penalties" in place of "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT], or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 108.5 Stop work orders. Insert "See 22-61(a)International Building Code, Section 114.3 Unlawful continuance" in place of "Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous and unsafe manner such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars"

SECTION 109 MEANS OF APPEAL. Delete section in its entirety.

(b) If any section, subsection, sentence, clause, or phrase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed the ordinance from which this section derives, and each section, subsection, clause, or phrase thereof, irrespective of the fact that anyone (1) or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Sec. 22-142. Definitions.

(a) Whenever the word "municipality" or the word "city" is used in the publication adopted by this article, it shall be construed to mean the City of Dover, Delaware.

(b) Whenever the term "corporation counsel" or "city attorney" is used in the publication adopted by this article, it shall be construed to mean the city solicitor.

(c) Whenever, in the publication adopted by reference in this article, a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

Sec. 22-143. Conflicting provisions.

In the event of any conflict between the provisions of the publication adopted by this article and applicable provisions of state law, this Code or any other ordinance, rule or regulation, the provisions of state law, this Code, or such other ordinance, rule or regulation shall prevail and be controlling

Sec. 22-144. Enforcement.

The building inspector shall enforce the provisions of the publication adopted by reference in this article.

Sec. 22-145. Heating, air conditioning, and heat pump permit fees.

(a) *Enumerated.* Before any heating, air conditioning, or heat pump permit shall be issued, a fee shall be paid unto the city as provided for in Appendix F—Fees and Fines.

(b) *Doubling of fees.* Fees established in this section shall double in the event that a permit is applied for after construction has commenced without the permission of the building inspector. The building inspector may waive the doubling of fees in cases where the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.

(c) *Fines*. A fine shall be issued when any code official finds any project has started or has been completed without an approved permit.

Secs. 22-146—22-180. Reserved.

ARTICLE VI. PLUMBING CODE

Sec. 22-181. Adopted.

(a) *[International Plumbing Code.]* Certain documents, three copies of which are on file in the Licensing and Permitting Office in the city, being marked and designated as International Plumbing Code 2009, including appendix chapters B, C, D, E, F, G, as referenced in the building code adopted in 22-61(a), published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, as referenced in the building code adopted in 22-61(a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections are hereby revised:

Exception: The 2009 International Private Sewage Disposal portion of this code is not adopted, as enforced by other authorities having jurisdiction.

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

Section 106.6.2 Fee Schedule. Insert "See Section 5.75 22-65 Permit Fees" in place of "The fees for all plumbing work shall be as indicated in the following schedule:

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]".

Section 106.6.3 Fee refunds. Delete in its entirety.

Section 108.4 Violation Penalties. Insert: "See Section 22-61(a) International Building Code Section 113.4, Violation Penalties" in place of "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 108.5 Stop work orders. Insert "See Section 22-61(a) International Building Code, Section 114.3 Unlawful continuance" in place of "Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous and unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the

code official shall not be required to give written notice prior to stopping work. Any person who shall continue any work in or about the structure 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 charged with a violation of this section and shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars."

(b) *International Fuel and Gas Code.* That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city being marked and designated as "The International Fuel and Gas Code, 2009 Edition" as published by the International Code Council be and is hereby adopted as the Fuel and Gas Code of the City of Dover in the State of Delaware; for regulating and governing fuel gas systems and gas fired appliances as herein provided.

(c) *[Severability.]* That if any section, subsection, sentences, clause, or phrase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed the ordinance from which this section derives, and each section, subsection, clause, and phrase therefore, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Sec. 22-182. Definitions.

(a) Whenever the word "municipality" or the word "city" is used in the publication adopted by this article, it shall be construed to mean the City of Dover, Delaware.

(b) Whenever the term "corporation council" or "city attorney" is used in the publication adopted by this article, it shall mean the city solicitor.

(c) Whenever, in the publication adopted by reference in this article, a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

Sec. 22-183. Conflicting provisions.

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of state law, this Code or any other ordinance, rule, or regulation, the provisions of state law, this Code, or such other ordinance, rule or regulation shall prevail and be controlling.

Sec. 22-184. Enforcement.

The building inspector shall enforce the provisions of the publication adopted by reference in this article.

Sec. 22-185. Permit fees.

(a) *Enumerated.* Before any permit shall be issued for a plumbing permit a fee shall be paid unto the city as provided for in Appendix F—Fees and Fines.

(b) *Doubling of fees.* Fees established in this section shall double in the event that a permit is applied for after construction has commenced without the permission of the building inspector. The building inspector may waive the doubling of fees in cases where the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.

(c) *Fines.* A fine shall be issued when any code official finds a project has started or has been completed without an approved permit.

Sec. 22-186. Water conservation performance standards.

(a) *General policy.* No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping, or water fixtures are to be installed, extended or altered in any way and for which construction a permit is required to be obtained (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water fixtures therein conform to the requirements and standards of subsection (b) of this section. The provisions of this section apply to any such building or structure for which such a building permit is issued or would otherwise be required to be issued but for such an exemption on or after December 10, 1990.

(b) Plumbing fixtures and fittings.

(1) *Water closets and associated flushing mechanisms*. The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle. The fixture shall perform in accordance with the test requirements of the ANSI A122.19.2M and ANSI A112.19.6M.

(2) *Urinals and associated flushing mechanisms.* Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle. The fixtures shall perform in accordance with the test requirements of ANSI 122.19.2M and ANSI A112.19.6M.

(3) *Showerheads.* Showerhead discharge rates shall not exceed three gallons of water per minute. The fixture shall perform in accordance with the test requirements of ANSI A122.18.1M.

(4) *Faucets.* Sink and lavatory faucet discharge rates shall not exceed three gallons of water per minute. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(c) Special provisions.

(1) Special purpose equipment. The performance standards of subsection (b) of this section shall not apply to fixtures and fittings, such as emergency showers, aspirator faucets, and blowout fixtures, that, in order to perform a specialized function, cannot meet the specified standards.

(2) Exemptions. Any person may apply to the city for an exemption to the terms of this section, which may be granted by the city manager upon proof that some other device, system, or procedure will save as much or more water as those set forth herein or that those set forth herein cannot be complied with without undue hardship.

(d) Modification and removal. The city may from time to time modify, add to, or remove the standards and restrictions herein.

Secs. 22-187—22-220. Reserved.

ARTICLE VII. PROPERTY MAINTENANCE CODE

Sec. 22-221. Adopted.

(a) A certain document, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Property Maintenance Code, 2009" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Dover, in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

Section 304.14 Insect screens. Insert "March 1st to November 30th" in place of "[date] to [date]".

Section 602.3 Heat supply. Insert "September 15th to May 1st" in place of "[date] to [date]".

Section 602.4. Occupiable workspaces. Insert "September 15th to May 1st" in place of "[date] to [date]".

(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).

Sec. 22-222. Definitions.

(a) Whenever the word "municipality" or "city" is used in the publication adopted by this article, it shall be construed to mean the City of Dover, Delaware.

(b) Whenever the term "corporation counsel" or "city attorney" is used in the publication adopted by this article, it shall mean the city solicitor.

(c) Whenever, in the publication adopted by reference in this article, a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

Sec. 22-223. Conflicting provisions.

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of state law, this Code or any other ordinance, rule, or regulation, the provisions of state law, this Code or such other ordinance, rule or regulation shall prevail and be controlling.

Sec. 22-224. Enforcement.

The code official shall enforce the provisions of the publication adopted by reference in this article.

Sec. 22-225. Violations.

(a) The Division of Code Enforcement, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect all properties for compliance with the International Property Maintenance Code and all applicable codes to ensure compliance.

(b) *Notification.* Following an inspection, the code official shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first inspection.

(c) *Notices.* All notices of a code violation will be in writing and sent via first-class mail, certified mail, electronic mail, or hand-delivered. A valid consent form must be on file to receive electronic mail.

(d) *Owner's address.* The owner of the property shall be responsible for maintaining an accurate mailing address with the City of Dover tax office at all times.

(e) *Compliance Date.* Unless otherwise specified, all code violations must be corrected within 30 days from the notice of violation. All code violations must be reinspected by the code official to confirm compliance with the code.

(f) *Life Safety Violations*. Code violations with an immediate threat to general welfare or life safety must be corrected within 48 hours from the issuance of the violation notice. These code violations are subject to an immediate penalty and shall be fined as provided in Appendix F-Fees and Fines. Every life safety violation shall be treated as an individual and separate offense.

(g) *Failure to schedule*. Failure to schedule a reinspection by the date provided by the code official shall be fined as provided in Appendix F-Fees and Fines.

(h) *Non-compliance.* Failure to correct all code violation(s) by the date provided by the code official shall be fined as provided in Appendix F--Fees and Fines.

Secs. 22-226—22-250. Reserved.

ARTICLE VIII. LEASES

Sec. 22-251. Unlawful leases.

(a) *Compliance with zoning.* No owner or landlord shall enter into any agreement, contract, lease, or sublease which provides for, permits, allows, contemplates, or facilitates occupancy of any structure contrary to the use requirements of the city zoning ordinance as set forth in Appendix B. Any agreement, contract, lease, or sublease which provides for, permits, allows, contemplates, or facilitates such occupancy by more persons than permitted in Appendix B to this Code is unlawful and hereby declared to be contrary to public policy.

(b) *Noise; disorderly conduct; drugs.* All agreements, contracts, leases, or subleases for the occupancy of dwelling units shall prominently stipulate that any renter or occupier of the rental unit shall not violate section 42-2 pertaining to noise or section 70-3 pertaining to disorderly conduct in connection with the use of the premises and shall also prominently stipulate that any renter or occupant of the rental unit shall not commit any drug offense on the premises. The agreement, contract, lease, or sublease shall also prominently stipulate

that if any renter or occupant shall be convicted more than one time in any one-year period of violating section 42-2 pertaining to noise or section 70-3 pertaining to disorderly conduct in connection with the use of the premises or is convicted of any drug offense which occurred on the premises, the renter or occupier shall be considered to have breached a lawful obligation relating to his use of the premises and shall be grounds for termination of the agreement, contract, lease, or sublease as it applies to that renter or occupant.

(c) *Notice of conviction to landlord.* The city shall notify the landlord, owner, or owner's agent if a renter or occupant of the rental unit is convicted of violating section 42-2 pertaining to noise, section 70-3 pertaining to disorderly conduct, or any drug law. Notice shall be deemed to be properly served upon the owner or the owner's agent if a copy thereof is delivered to the owner, or the owner's agent; or by leaving a notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion, who shall be informed of the contents thereof, or by certified mail addressed to the owner or the owner's agent at the last known address, with return receipt requested; or lastly by posting a copy thereof in a conspicuous place in or about the structure affected by the notice.

(d) *Notice to renter.* Within seven days of the receipt of notice that a renter or occupier has been convicted of violating section 42-2 pertaining to noise or section 70-3 pertaining to disorderly conduct, the landlord, owner, or owner's agent shall cause notice to be served upon the affected renter or occupier that if a second such violation occurs within one year, the rental agreement will be terminated.

(e) *Second violation; termination of lease*. Within seven days of the receipt of the notice that a renter or occupier has been convicted of a second violation of section 42-2 pertaining to noise or section 70-3 pertaining to disorderly conduct, or has been convicted of a drug offense, the landlord, owner, or owner's agent shall cause to be served upon the affected renter or occupier, notice that the rental agreement is terminated and that the renter or occupier has not more than seven days to vacate the unit.

(f) *Failure of renter or landlord to comply.* If the renter or occupier fails to vacate the unit within the time specified in the notice, the landlord, owner, or owner's agent shall immediately initiate and diligently pursue, in good faith, summary proceedings for possession as specified in the Residential Landlord-Tenant Code (25 Del. C. § 5101 et seq.). The failure of the landlord, owner, or owner's agent to initiate or diligently pursue, in good faith, summary proceedings for possession shall constitute a violation of this section and shall subject the landlord, owner, or owner's agent to the penalties provided herein.

(g) *Violations; penalties.* Any person, firm, or corporation who violates any provision of this section shall have his rental license for the premises revoked and shall be punished by a fine as provided for in Appendix F—Fees and Fines.

Secs. 22-252—22-280. Reserved.

ARTICLE IX. LODGING HOUSES

DIVISION 1. GENERALLY

Sec. 22-281. Purpose; applicability; definitions; compliance.

(a) *Purpose.* The purpose and intent of this article is to ensure public health, safety, and welfare insofar as the continued occupancy and maintenance of lodging houses operated for public use affect them. The health, safety, and welfare of the occupants of the lodging houses are of the utmost importance to the city.

(b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to lodging houses. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

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

Lodging house means a building operated principally for the temporary residence of the transient public, including, but not limited to, hotels, motels, inns, boardinghouses, rooming houses, tourist homes, and dormitories.

(d) *Compliance.* No person shall operate, occupy, or let to another for occupancy any lodging house which is not in compliance with this chapter. No person shall operate, occupy, or let another occupancy any lodging house unless it is clean and sanitary, and complies with the requirements of this article.

Sec. 22-282. Responsibilities of operator.

The operator of every lodging house shall be responsible for:

(1) Maintaining all supplied bedding in a clean and sanitary condition;

(2) Changing all supplied bed linens and towels at least once each week and upon the renting of any room;

(3) Supplying clean towels daily;

(4) Maintaining the property in accordance with the International Property Maintenance Code adopted in section 22-221 and the International Fire Code adopted in section 46-121(a).

Secs. 22-284—22-300. Reserved.

DIVISION 2. PERMIT

Sec. 22-301. Generally.

(a) *Required.* It shall be unlawful for any person to let, or offer to let, space in any lodging house by advertisement, without first obtaining a permit from the licensing division of the Department of Planning and Inspections in order to determine compliance with the provisions of this chapter.

(b) *Expiration; fee.* The permit shall expire annually on January 31, and the fee for the annual permit shall be as provided for in Appendix F—Fees and Fines.

(c) *Failure to pay on due date.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix F—Fees and Fines until the same is paid.

(d) *Reinstatement fee*. An owner whose permit has been suspended in accordance with section 22-303 shall pay a reinstatement fee as provided for in Appendix F—Fees and Fines.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees may be entered into the municipal lien docket as a lien owing the city, and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any lodging house shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water, and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

Sec. 22-302. Application and issuance.

No permit shall be issued until the applicant has complied with the provisions of this chapter applicable to lodging houses and until the applicant has furnished the licensing division of the Department of Planning and Inspections with any other information that may be required.

Sec. 22-303. Suspension.

(a) *Grounds; duration.* The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when he determines that the lodging house or the premises surrounding the lodging house fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto. Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed on appeal.

(b) *Notice to owner.* Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) *Appeal.* Any owner or operator of any lodging house, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225.

(d) *Effect of appeal.* Upon suspension of a permit or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section 22-225, the permit suspension shall be stayed, and an existing permit shall remain in force until the appeal is decided.

Secs. 22-304—22-330. Reserved.

ARTICLE X. RENTAL DWELLINGS

DIVISION 1. GENERALLY

Sec. 22-331. Purpose; applicability; definitions; compliance.

(a) *Purpose.* The purpose and intent of this article is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety, and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character in which these dwelling units are located.

(b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

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

(1) *Criminal activity* is defined as any crime classified by applicable law as a (a) felony, (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: § 601—Offensive touching, § 602—Menacing, § 628—Vehicular assault 3, § 763—Sexual harassment, § 764—Indecent exposure, § 811—Criminal mischief, § 812—Graffiti, § 820—Trespassing, § 821/2/3—Criminal trespassing, § 1105—Crime against a vulnerable adult, § 1106—Unlawfully dealing with a child, § 1301—Disorderly conduct, § 1313—Malicious interference with emergency communications, § 1315—Public intoxication, § 1321—Loitering, § 1322—Criminal nuisance, § 1323—Obstructing of public passage, § 1341—Lewdness, § 1342—Prostitution, § 1343—Patronizing a prostitute, § 1445—Unlawfully dealing with a dangerous weapon, § 1446—Unlawfully dealing with a switchblade knife.

(2) *Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(3) *Multiple-family dwellings* means dwelling units operated as a group and located in the same building. This shall include apartments, rooming houses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.

(4) *Rental dwelling* means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.

(5) *Single-family dwellings* means dwelling units operated singly and separated from other units. In general, this definition shall apply to single-family detached dwellings; mobile homes and manufactured homes; and attached units, including duplexes and townhouses.

(d) *Compliance required.* No person shall operate, occupy, or to let another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code adopted in section 22-221 and all other applicable codes.

Sec. 22-332. Inspection required.

(a) The Code Enforcement Office, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect rental dwellings for compliance with the property maintenance code and all other applicable codes to ensure compliance.

(b) An inspection is required prior to the issuance of any new rental dwelling permit. No new permit shall be issued until all outstanding code violation(s) comply with the code and are verified for compliance by the code official.

(c) The owner of the rental dwelling or a property manager must be present for all scheduled inspections. Failure to meet this requirement will result in the scheduled inspection to be terminated and shall be fined as provided in Appendix F-Fees and Fines. Property manager is defined in Sec. 22-333(a).

(d) It shall be the responsibility of the owner or property manager to schedule all required inspections.

(e) Following an inspection, the code official shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first follow-up inspection when all violations comply with the code. Each subsequent reinspection shall be subject to a fee as provided for in Appendix F—Fees and Fines.

Sec. 22-333. Agent required.

(a) *Property manager.* Any owner of a rental dwelling, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care, and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the code official, within a reasonable time.

(b) *Corporate or partnership owners.* Any corporation or partnership owning a rental dwelling shall have a designated member, partner, or employee having charge, care, and control of the rental dwelling. The designated member, partner, or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee, and who resides in the county, acting as a property manager. The property manager, family members, or other designated individuals shall have charge, care, and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the code official, within a reasonable time.

(c) The lessee of the dwelling cannot be the agent for the dwelling they lease.

(d) The property owner is required to provide agent updates by submitting a new Rental Dwelling Permit application.

Sec. 22-334. Insurance required.

(a) Any owner of a rental property shall have sufficient property insurance that covers the amount to replace the estimated value of the improvements on the property and provide protection for claims resulting from fire or other damages.

(b) Proof of insurance coverage shall be provided upon application for a new rental permit and upon each annual renewal thereafter.

Secs. 22-335—22-350. Reserved.

DIVISION 2. PERMIT

Sec. 22-351. Generally.

(a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the Department of Planning and Inspections to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. The permit fee for rental dwelling permits issued after January 31 will be prorated from the date the permit is issued until the next January 31.

(b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefore from the licensing division of the Department of Planning and Inspections to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. The permit fee for rental dwelling permits issued after January 31 will be prorated from the date the permit is issued until the next January 31.

(c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix F—Fees and Fines until the same is paid.

(d) *Reinstatement fee*. An owner whose permit has been suspended in accordance with section 22-352 shall pay a reinstatement fee as provided for in Appendix F—Fees and Fines.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive any new city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water, and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

(g) *Failure to obtain a Rental Dwelling Permit.* Any owner of a rental property that fails to obtain or renew a Rental Dwelling Permit shall be fined as set forth in Appendix F-Fees and Fines.

Sec. 22-352. Suspension.

(a) *Grounds; duration.* The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when:

(1) The building inspector determines that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto;

(2) The failure of the property owner or property manager to initiate and prosecute in good faith eviction proceedings following notification by the city that the terms of the safe communities lease addendum have been violated; or

(3) The failure of the property owner or property manager to attend a safe communities seminar when required by section 22-371(b).

Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed.

(b) *Notice of violations.* Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) *Appeal.* Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225.

(d) *Effect of appeal.* Upon suspension of a permit or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section 22-225, the permit suspension shall be stayed, and an existing permit shall remain in force until the appeal is decided.

Secs. 22-353—22-355. Reserved.

DIVISION 3. SHORT-TERM RENTAL USE

Sec. 22-356. Purpose; applicability; definitions; compliance.

(a) *Purpose.* The City of Dover wishes to permit the limited and temporary rental use of one-family dwellings (residences) in established areas of the city as an economic asset, allowing for increased travel, visitation, and tourism and affording property owners the opportunity to earn revenue from such occupancy~~,~~ while ensuring that such uses do not become a nuisance, that neighborhood character is not compromised, and that such businesses are properly operated and maintained. The purpose of this division shall be to minimize public safety risks and public nuisances, such as noise, trash, and parking problems; to ensure that traditional neighborhoods are not turned into tourist areas to the detriment of long-term residents; and to ensure that individual dwellings are not turned into pseudo hotels or party houses.

(b) *Applicability.* Short-term rental use (STRU) shall be allowed in any one-family dwelling as defined in Appendix B—Zoning, Article 12—Definitions of the zoning ordinance wherever such are allowed by right and do not require a variance or conditional use approval.

(c) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Good neighbor brochure means a document provided by the owner to the guest or guests and containing: the name and telephone number for the owner; notification on standards of behavior and occupancy relating to parking, noise, trash collection, waste disposal, street maintenance, snow removal, and public safety services and including contact and web access information; and such other information as the city may from time to time prescribe.

Guest or guests means the individual or individuals securing the short-term rental use for the purposes of staying overnight.

Owner means the person or persons holding legal or equitable title to the property being offered as a short-term rental use.

Short-term rental use (STRU) means rental of all or a part of a residential one-family dwelling unit which is made available by agreement for a residential occupancy by a tenant in exchange for compensation for a duration of a temporary occupancy of less than 30 days. Rentals of 30 days or more shall comply with the provisions of divisions 1 and 2 of this chapter. Lodging houses as defined in Article IX; section 22-281 is not included as short-term rental uses under this division.

(d) *Compliance.* No person shall operate, offer for occupancy, or let to another for occupancy as a short-term rental use any dwelling which is not in compliance with this article or any other applicable codes.

Sec. 22-357. Registration and inspection requirements; inspection required for life safety and building purposes; short-term rental use license required.

(a) The owner of any dwelling proposed for a short-term rental use must obtain an annual short-term rental use license.

(b) An inspection by the city Code Enforcement Office shall be required to determine compliance with property maintenance and all other applicable codes. Any items in non-compliance shall be remedied before a license is granted. The inspection shall be required the first time a license is issued and may be required at renewal at the discretion of the Code Enforcement Office. The rental license must be kept current during any time the dwelling is offered as a short-term rental use.

(c) The license shall be valid for up to one year and must be renewed no later than January 31 of each year of continued operation.

(d) The short-term rental use license must be clearly displayed inside the dwelling along with any state licenses or permits.

(e) The short-term rental use license may not be transferred to any party except heirs and assigns and shall be void upon transfer of ownership of the property where the short-term rental use is located.

Sec. 22-358. Owner obligations.

An owner of a dwelling seeking to use a property as a short-term rental use shall comply with the following obligations:

(1) The owner of the property being offered as a short-term rental use must be a resident of the city. Determination of residency shall be based on meeting city voting residency eligibility. Such owner may offer for short-term rental use only that property which is the owner's primary residence.

(2) A property not owned by a resident of the city shall not be used as a short-term rental use. Such property shall not be used for overnight accommodations unless such property qualifies as a bed and breakfast inn pursuant to Dover Code, Appendix B—Zoning, Article 3—District Regulations.

(3) A good neighbor brochure must be provided in the dwelling listing city provisions as required.

Sec. 22-359. Limitations on occupancy and use.

(a) The number of guests 12 years and older permitted at any time shall not exceed twice the number of bedrooms (i.e. three bedrooms × two = six occupants), with a maximum of 12 individual occupants of all ages at any one time regardless of the number of bedrooms available.

(b) No more than one extra vehicle per bedroom shall be allowed, not to exceed six extra in total; all parking shall comply with all requirements relating to street maintenance, fire access, parking on paved surfaces, trash collection, obstacles to travel, or other requirements. Violations shall be ticketed offenses.

(c) Signage identifying the short-term rental use, if desired, shall be limited to one sign, mounted on the dwelling, not illuminated, and not to exceed one square foot in size overall. A sign permit must be obtained for any desired sign.

(d) Access to a full bath must be provided.

(e) Guests shall be prohibited from further subletting the dwelling.

(f) Weddings, graduation parties, corporate events, commercial functions, large gatherings, or other special events associated with the STRU shall be prohibited unless a city special event permit shall have been granted for a specific activity and date.

(g) The owner has the responsibility to not knowingly allow any illegal or criminal activity on the property nor permit the guests to create a public nuisance including, but not limited to, creating noise, causing odors, permitting an unsafe condition, maintaining a disorderly

premise, generation of trash, or other behavior which unreasonably disturbs the peace, safety and general welfare of the neighborhood as provided in this chapter and pursuant to Chapter 70—Offenses and Miscellaneous Provisions, Section 70-8—Disorderly Premises and Chapter 42—Environment, Section 42-2—Noise of the Dover Code of Ordinances.

Sec. 22-360. Enforcement, fees, and penalties, reporting.

(a) *Short-term rental license.* Payment of a short-term rental use license fee as set forth in Appendix F—Fees and Fines is required annually beginning January 31 of each year; the fee will be prorated for a partial year.

(b) *Failure to register and obtain a license.* Penalties fines for failure to register and obtain a license shall be as set forth in Appendix F—Fees and Fines.

(c) *Penalties for violations.* Penalties for violations of Division 3, Short Term Rental Use, shall be as set forth in Appendix F—Fees and Fines.

(d) A dwelling cited three times by the Code official or by any city department as a nuisance or the location of illegal or criminal activity within any consecutive 12-month period shall have its short-term rental use license suspended for not less than the rest of the license year or a longer period up to permanently.

(e) The owner shall voluntarily report to the city annually documenting the occupancy and frequency of rentals obtained, such report to be completed by January 31 of the following year as part of the license renewal and for the purposes of building a database of STRU activity and economic impact, not for enforcement or tax purposes.

Sec. 22-361. Enforcement, notice, and appeals.

Enforcement of violations of this division shall be as set forth in Chapter 22—Buildings and Building Regulations, Chapter 42—Environment, and Chapter 70—Offenses and Miscellaneous Provisions of the Code of Ordinances.

Secs. 22-362—22-369. Reserved.

DIVISION 4. SAFE COMMUNITIES

Sec. 22-370. Criminal activity.

Tenants of rental dwellings, any member of the tenant's household, any guest, or other person under the tenant's control shall not engage in criminal activity on or within 500 feet of the lot on which the rental dwelling resides.

Sec. 22-371. Safe Communities seminar.

(a) The City of Dover Police Department shall offer a Safe Communities seminar a minimum of two times each calendar year. The seminar shall be voluntary, except in the following circumstances:

(1) When a rental dwelling permit has been suspended in accordance with section 22-352, the property owner or manager shall attend the seminar prior to reinstatement of the suspended rental dwelling permit; or

(2) When a rental dwelling has been the subject of response by the police department on three or more occasions within a six-month period, due to occasions where the tenant, any member of the tenant's family, or any guest or other person under the tenant's control have engaged in criminal activity, the property owner or managers shall attend the seminar.

(b) Upon notification by the chief of police that the Safe Communities seminar is required in accordance with subsection (2) above, the Department of Planning and Inspections shall notify the property owner and/or property manager that he is required to attend the next scheduled Safe Communities seminar. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing to the property owner and property manager if a property manager is on record with the Department of Planning and Inspections.

Sec. 22-372. Safe Communities Lease Addendum.

(a) All residential leases shall include a Safe Communities Lease Addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

(1) The tenant, any member of the tenant's household, any guest, or any other person under the tenant's control on or within 500 feet of the leased premises:

i. Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by 16 Del. C. Ch. 47.

ii. Shall not engage in any act intended to facilitate criminal activity.

iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

(2) Any activity prohibited by the Safe Communities Lease Addendum shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.

(b) The Department of Planning and Inspections shall provide the Safe Communities Lease Addendum.

(c) An executed copy of the Safe Communities Lease Addendum shall be required for all rental dwellings in the City of Dover prior to establishment of a utility account for the premises.

Sec. 22-373. Eviction required.

(a) If the tenant, any member of the tenant's household, any guest, or other person under the tenant's control engages in criminal activity as defined by Section 22-331(c)(1) and Chapter 22, Buildings and Building Regulations, of the Dover Code on three or more occasions within a 12-month period, the chief of police shall notify the Department of Planning and Inspections to initiate the safe communities lease termination notice procedure directing the property owner or property manager to terminate the tenancy in accordance with subsection (b).

(b) Upon notification by the chief of police that termination of tenancy is required in accordance with subsection (a), the Department of Planning and Inspections shall notify the property owner and property manager that they have 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing, to the property owner and property manager if a property manager is on record with the Department of Planning and Inspections.

Secs. 22-374—22-380. Reserved.

ARTICLE XI. DANGEROUS BUILDINGS

Sec. 22-381. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous buildings means all buildings or structures which have any or all of the following defects or uses:

(1) *Leaning interior walls*. Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) *Damaged walls, etc.* Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supportive enclosing or outside walls or covering.

(3) *Loads on roofs.* Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(4) *Fire damage, etc.* Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.

(5) *Unfit for habitation*. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.

(6) *Light, air, sanitation.* Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) *Fire escapes, etc.* Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(8) *Loose parts.* Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) *General welfare*. Those which, because of their condition or use, are unsafe, unsanitary, or dangerous to the public health, morals, safety, or general welfare of the people of this city.

(10) C*ode violations.* Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city.

(11) *Drug sales, use, etc.* Those which are being used for the unlawful selling, serving, storing, giving away**,** or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging, or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine, and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).

(12) *Unoccupied buildings*. Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

(13) *Incomplete buildings.* Those under construction, if the authorized work is substantially suspended or abandoned for a period of three months or more.

Sec. 22-382. Standards for repair, vacation, or demolition.

The following standards shall be followed in substance by the code official in ordering the repair, vacation, or demolition of dangerous buildings:

(1) *Repair.* If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.

(2) *Vacation.* If the dangerous building is in such a condition or is being used to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.

(3) *Demolition.* In any case**,** where a dangerous building is 50 percent damaged, decayed**,** or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard, or public safety hazard as determined by the code official or is existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it may be demolished.

Sec. 22-383. Nuisance declared.

All dangerous buildings within the terms of section 22-381 are hereby declared to be public nuisances and shall be repaired, vacated, and closed or demolished as hereinbefore and hereafter provided.

Sec. 22-384. Duties of the code official.

The code official shall:

(1) *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 22-381.

(2) *Complaints.* Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this article.

(3) *Reported violations.* Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of this article.

(4) *Dangerous buildings*. Inspect such other buildings as shall from time to time come to his attention as possibly dangerous buildings within the terms of section 22-381.

(5) *Notice to owner.* Notify, in writing, the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in section 22-381, that:

a. *Duties of owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article;

b. *Duties of occupant*. The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession;

c. *Persons with interest.* The mortgagee, agent, or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish the said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;

d. *Appeal.* The person or entity receiving notice by the code official shall have the right to appeal his decision directly to the council and have a hearing conducted in accordance with the provisions of section 22-385 before council, provided that the

notice of appeal is filed with the city clerk no later than five days after receiving notice from the code official.

(6) *Order to remedy conditions.* Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

(7) *Noncompliance with notice*. Report to the council any noncompliance with the notice provided for in subsections (5) and (6) hereof.

(8) *Testify at hearings.* Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings.

(9) *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:

"This building has been found to be a dangerous building by the code official. This notice is to remain on this building unit until it is repaired, vacated, and closed, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with."

(10) *Orders of council.* Carry out all orders of the council to cause the repair, vacation, and closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacation of the dangerous building, the code official may order the city utilities to be disconnected. In causing the closure of dangerous buildings, the code official may direct the removal from the building of all furniture, equipment, and other personal property left by vacated occupants.

Sec. 22-385. Hearing before council.

The council of the city shall:

(1) *Notice of hearing*. Upon receipt of a report of the code official as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and closed, or demolished in accordance with the statement of particulars set forth in the code official's notice provided for herein in section 22-384(6).

(2) *Conduct of hearing*. Hold a hearing and hear such testimony as the code official or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of the city chief of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.

(3) *Findings.* Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 22-381.

(4) *Order.* Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, vacate and close, or demolish any building found to be a dangerous building within the terms of this article, setting the time within which said building shall be repaired, vacated and closed, or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person, not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) hereof.

(5) *Failure to comply.* If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor, cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the council shall notify the city solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) *Report to solicitor.* Report to the city solicitor the names of all persons not complying with the order provided for in subsection (4) hereof.

Sec. 22-386. Violations; penalty for disregarding notices or orders.

(a) *Violations by owner.* The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate and close, or demolish said building given by the council shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in Appendix F—Fees and Fines.

(b) *Violations by occupant or lessee.* The occupant or lessee in possession who fails to comply with any notice to vacate and close or who fails to repair said building in accordance with any notice given by the council as provided for in this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in Appendix F—Fees and Fines.

(c) *Removal of notice.* Any person removing the notice provided for in section 22-384(9) shall be guilty of a misdemeanor and, upon conviction, shall be fined as provided for in Appendix F—Fees and Fines.

Sec. 22-387. Duties of the city solicitor.

The city solicitor shall:

(1) *Prosecutions.* Prosecute all persons failing to comply with the terms of the order provided for in section 22-385(4).

(2) *Hearings.* Appear at all hearings before the council in regard to dangerous buildings.

(3) *Collections.* Bring suit to collect all municipal liens, assessments, or costs incurred in repairing or causing them to be vacated and closed or demolished dangerous buildings.

(4) *Other legal action.* Take such other legal action as is necessary to carry out the terms and provisions of this article.

Sec. 22-388. Emergency cases.

In cases where it reasonably appears that there is an immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated, and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in section 22-385(5).

Sec. 22-389. Procedure when owner absent from the city.

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city, all notices or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said

building, as shown by the land records of the recorder of deeds of the county, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

Sec. 22-390. Administrative liability.

No officer, agent, or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit against any officer, agent, or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city solicitor until the final determination of the proceedings therein.

Sec. 22-391. Duties of fire marshal and city employees.

The fire marshal, all members of the fire department, all officers of the police department, and all other employees of the city shall report, in writing, to the Division of Code Enforcement all buildings or structures within the city which shall come to their knowledge or attention as being dangerous buildings within the terms of this article.

Secs. 22-392—22-399. Reserved.

ARTICLE XII. VACANT BUILDINGS

Sec. 22-400. Purpose; applicability; definitions.

(a) *Purpose.* The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the city. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety, and welfare insofar as they are affected by vacant buildings within the city. The health, safety, and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the city, as is the general community character in which these vacant buildings are located.

(b) *Applicability*. The provisions of this article shall apply to all matters affecting or relating to vacant buildings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) *Definitions*. The following words, terms, and phrases, when used in this article, shall have meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(1) *Vacant building* means a building, structure, or dwelling that has been unoccupied for more than three consecutive months; or a commercial tenant space greater than 10,000

square feet in an otherwise occupied building, that has been left unoccupied for more than three consecutive months.

(2) *Actively for sale or lease* means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the city assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

Sec. 22-401. Monitoring, inspection, and condition standards.

(a) The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Once a building/structure/unit or residence (hereon after referred to as building) is registered as a vacant building, the vacant building shall be inspected annually for as long as it is considered vacant.

(b) The vacant building shall be secured; the exterior building and premises shall be maintained in accordance with all City of Dover Code requirements.

(c) The vacant building shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the building and it shall not ~~to~~ be used as storage that is unrelated to the former use).

Sec. 22-402. Agent—Responsible person required.

(a) *Property manager.* Any owner of a vacant building, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care, and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the building inspector, within 30 days.

(b) *Corporate or partnership owners.* Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care, and control of the vacant building. The designated member, partner**,** or employee shall reside in or have an office located in the county or shall be required to have a licensed property manager residing or having an office located in the county, or another designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a

property manager. The property manager~~,~~ or other designated individuals shall have charge, care, and control of the vacant building, and shall provide access to the vacant building for inspection, upon request by the building inspector, within 30 days.

Sec. 22-403. Registration and registration fee.

(a) *Registration of building.* There are two ways to register the building as vacant.

(1) The owner shall register with the city not later than 30 days after any building in the city becomes vacant, as defined.

The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any information changes the owner is responsible for informing the city of those changes in a timely manner.

(2) The building inspector or his designee, shall investigate any property that may be subject to registration. Based upon his findings, the building inspector may register the property as a vacant building subject to this chapter.

a. *Notice of registration.* Within five business days of such registration, the Licensing and Permitting Office shall notify the owners of the registered property by certified mail at their last known address according to the records of the city and Kent County.

b. Registration fee.

i. The annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then be due on the registration anniversary date every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this article [June 26, 2006].

ii. The annual fee is as provided for in Appendix F—Fees and Fines.

Sec. 22-404. Violation and penalties.

(a) If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this article.

(1) A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the city, and the same may be turned over to the city solicitor for collection.

(2) The fee will be assessed to the parcel's tax bill.

(3) The fee shall be paid in full prior to the transfer of title.

(4) The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the city.

Sec. 22-405. Exemptions—Types of buildings eligible for exemption status from the registration fee.

(a) The following are exempt from the registration: The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.

(b) The following properties shall be registered as vacant, but they are exempt from the registration fee:

(1) The building is actively being offered for sale or lease for a maximum period of five years. After such time this article will be in effect. Proof of activity shall fall on the owner to provide. See definition.

(2) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.

(3) The property is in probate or where the owner has entered a long-term care facility within six months of the building being vacant.

(4) The property is currently undergoing environmental cleanup or assessment.

(c) Failure to register. If the owner of the property fails to register the property with the City of Dover within 30 days of notification to do so by the City of Dover staff, then the property owner/agent may not be entitled to exemption from the fees.

Sec. 22-406. Appeal of the 25 percent over market rate.

An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

ADOPTED: June 24, 2024

SYNOPSIS

This proposed amendment to this chapter removes language that requires the doubling of fines. The amendments also add transparency defining how and when a fine is issued. The language that has been added and updated clarifies the responsibility of the property owner. This proposal also defines the penalties for life safety violations.

(SPONSORS: ANDERSON and HUGG)

Action History
06/24/2024 – Final Reading – City Council
06/10/2024 – First Reading – City Council
05/14/2024 – Introduction – Council Committee of the Whole/ Legislative, Finance, and Administration Committee