

City of Dover



CITY OF DOVER PROPOSED ORDINANCE #2022-14

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

3
4 That Chapter 22- Buildings and Building Regulations, Article X.- Rental Dwellings, be amended by
5 inserting the text indicated in bold, blue, and deleting the text indicated in red strikeout as
6 follows:
7

8 **DIVISION 1. GENERALLY**

9 10 **Sec. 22-331. Purpose; applicability; definitions; compliance.**

- 11 .
- 12 (a) *Purpose.* The purpose and intent of this article is to ensure public health, safety and welfare
13 insofar as they are affected by the continued occupancy and maintenance of dwellings operated
14 for lease to the public. The health, safety and welfare of the occupants of the dwellings are of
15 the utmost importance to the city, as is the general community character in which these dwelling
16 units are located.
17
- 18 (b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to
19 rental dwellings. Where, in this article, different sections of this Code may specify different
20 requirements, the most restrictive shall govern.
21
- 22 (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the
23 meanings ascribed to them in this subsection, except where the context clearly indicates a
24 different meaning:
25
- 26 (1) *Criminal activity* is defined as any crime classified by applicable law as a (a) felony,
27 (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense
28 defined by Title 16 of the Delaware Code, and the following misdemeanors in addition
29 to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: § 601—
30 Offensive touching, § 602—Menacing, § 628—Vehicular assault 3, § 763—Sexual
31 harassment, § 764—Indecent exposure, § 811—Criminal mischief, § 812—Graffiti, §
32 820—Trespassing, § 821/2/3—Criminal trespassing, § 1105—Crime against a
33 vulnerable adult, § 1106—Unlawfully dealing with a child, § 1301—Disorderly
34 conduct, § 1313—Malicious interference with emergency communications, § 1315—
35 Public intoxication, § 1321—Loitering, § 1322—Criminal nuisance, § 1323—
36 Obstructing of public passage, § 1341—Lewdness, § 1342—Prostitution, § 1343—
37 Patronizing a prostitute, § 1445—Unlawfully dealing with a dangerous weapon, §
38 1446—Unlawfully dealing with a switchblade knife.
39
- 40 (2) *Dwelling unit* means a single unit providing complete independent living facilities

41 for one or more persons, including permanent provisions for living, sleeping, eating,
42 cooking and sanitation.

43
44 **(3) Liability insurance refers to an insurance product that provides an insured**
45 **party with protection against claims resulting from injuries and damage to**
46 **other people or property. Liability insurance policies cover any legal costs and**
47 **payouts an insured party is responsible for if they are found legally liable.**

48
49
50 **(34) Multiple-family dwellings** means dwelling units operated as a group, and located in
51 the same building. This shall include apartments, roominghouses, condominium
52 dwelling units, and accessory apartments located within structures principally used
53 for owner occupancy.

54
55 **(45) Property insurance means financial reimbursement to the owner or renter of a**
56 **structure and its contents in case there is damage or theft—and to a person**
57 **other than the owner or renter if that person is injured on the property.**

58
59 **(56) Rental dwelling** means a dwelling unit that is leased for occupancy to a person or
60 persons in exchange for monetary payment or provision of goods or services to the
61 owner of the dwelling unit.

62
63 **(67) Single-family dwellings** means dwelling units operated singly, and separated from
64 other units. In general, this definition shall apply to single-family detached
65 dwellings; mobile homes and manufactured homes; and attached units, including
66 duplexes and townhouses.

67
68 (d) *Compliance required.* No person shall operate, occupy or let to another for occupancy any
69 dwelling which is not in compliance with the International Property Maintenance Code
70 adopted in [section 22-221](#) and all other applicable codes.

71
72 (Code 1981, § 10-86; Ord. of 4-10-2000; Ord. No. 2013-04, 4-8-2013; Ord. No. [2016-16](#), 8-8-2016)

73
74 **Sec. 22-332. - Inspection required.**

75
76 (a) The code enforcement office, in accordance with the procedures set forth in the International
77 Property Maintenance Code adopted in [section 22-221](#), shall inspect rental dwellings for
78 compliance with the property maintenance code and all other applicable codes to ensure
79 compliance.

80
81 **(b) An inspection is required prior to the issuance of any new rental dwelling permit.**

82
83 **(bc)** Following an inspection, the code enforcement office shall issue a letter and/or report of any
84 code violations and provide a timeline for compliance. There shall be no fee for the first
85 followup inspection. Each subsequent reinspection shall be subject to a fee as provided for in
86 Appendix F—Fees and Fines.

87 (Code 1981, § 10-87; Ord. of 4-10-2000; Ord. of 4-14-2008; Ord. No. 2009-26, 12-14-2009; Ord. No.

88 2013-04, 4-8-2013)

89 **Sec. 22-333. - Agent required.**

90 (a) *Property manager.* Any owner of a rental dwelling, residing outside of the county, shall be
91 required to have a licensed property manager residing or having an office located in the
92 county, ~~or a family member or other designated individual who does not manage any other~~
93 ~~rental real estate for a fee and who resides in the county acting as a property manager.~~ The
94 property manager, ~~including family members and designated individuals,~~ shall have charge,
95 care and control of the rental dwelling, and shall provide access to the rental dwelling for
96 inspection, upon request by the **code official** ~~building inspector or city planner,~~ within a
97 reasonable time.
98

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

109 (Code 1981, § 10-88; Ord. of 4-10-2000; Ord. of 12-11-2000; Ord. of 4-14-2008; Ord. No. 2013-04, 4-
110 8-2013)

111
112 **Sec. 22-334 Insurance required**

113
114 **Any owner of a rental property shall have property insurance in sufficient amount to replace the**
115 **estimated value of the improvements on the property and provide protection for claims against the**
116 **property.**

117
118 **Proof of insurance coverage shall be provided upon application for a rental permit and upon each**
119 **annual renewal thereafter.**

120
121 **Secs. 22-3345—22-350. Reserved.**

122
123 **DIVISION 2. - PERMIT**

124
125 **Sec. 22-351. - Generally.**

126
127 (a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental
128 dwelling without obtaining a permit from the licensing division of the department of planning
129 and inspections ~~in order~~ to determine compliance with the appropriate provisions of this article.
130 The permit shall expire annually on January 31. The fee for the annual permit shall be as
131 provided for in Appendix F—Fees and Fines. The permit fee for rental dwelling permits issued
132 after January 31st will be prorated from the date the permit is issued until the next January 31st.
133

- 134 (b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling
 135 without first obtaining an annual permit therefor from the licensing division of the department
 136 of planning and inspections ~~in order~~ to determine compliance with the appropriate provisions
 137 of this article. The permit shall expire annually on January 31, and the fee for the annual permit
 138 shall be as provided for in Appendix F—Fees and Fines. The permit fee for rental dwelling
 139 permits issued after January 31st will be prorated from the date the permit is issued until the
 140 next January 31st.
 - 141
 - 142 (c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date
 143 due, then the permittee shall incur a penalty fee as provided for in Appendix F—Fees and Fines
 144 until the same is paid.
 - 145
 - 146 (d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-
 147 352 shall pay a reinstatement fee as provided for in Appendix F—Fees and Fines.
 - 148
 - 149 (e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a
 150 notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket
 151 as a lien owing the city; and the same may be turned over to the city solicitor for collection.
 - 152
 - 153 (f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive **any new** city
 154 utilities until the permit fee required in this section is paid in full and city personnel shall refuse
 155 to provide sewage, water and electricity to the property until satisfactory proof is furnished that
 156 such permit fee has been paid.
- 157 (Code 1981, § 10-96; Ord. of 4-10-2000; Ord. No. 2009-09, 6-22-2009; Ord. No. 2013-04, 4-8-2013)

159 **Sec. 22-352. - Suspension.**

- 160 (a) *Grounds; duration.* The building inspector shall suspend the permit issued or withhold the
 161 permit paid for, pursuant to this division, when:
- 162
- 163 (1) The building inspector determines that any dwelling or the premises surrounding
 164 the dwelling fails to meet the requirements of this chapter. ~~or any rule or~~
 165 ~~regulation issued pursuant thereto;~~
- 166
- 167 ~~(2) The failure of the property owner or property manager to initiate and prosecute in~~
 168 ~~good faith eviction proceedings following notification by the city that the terms of~~
 169 ~~the safe communities lease addendum have been violated; or~~
- 170
- 171 ~~(3) The failure of the property owner or property manager to attend a safe~~
 172 ~~communities seminar when required by section 22-371(b).~~

173
174 Suspension shall last until the violations have been corrected to the satisfaction of the building
175 inspector, or the suspension shall have been reversed.

- 176
- 177 (b) *Notice of violations.* Upon suspending any permit under this section or withholding the permit
 178 paid for, the building inspector shall notify the owner of the violations of the applicable code
 179 and shall prescribe a period in which the violation shall be corrected.

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

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

188 (Code 1981, § 10-97; Ord. of 4-10-2000; Ord. No. 2009-26, 12-14-2009; Ord. No. 2013-04, 4-8-2013)

189
190 **Secs. 22-353—22-355. - Reserved.**

191
192 **DIVISION 3. - SHORT TERM RENTAL USE^[5]**

193
194 ***Footnotes:***

195 --- (5) ---

196 ***Editor's note***— Ord. No. 2020-05 , adopted January 11, 2021, renumbered div. 3 as div. 4.

197
198 **Sec. 22-356. - Purpose; applicability; definitions; compliance.**

199
200 (a) *Purpose.* The City of Dover wishes to permit the limited and temporary rental use of one family
201 dwellings (residences) in established areas of the city as an economic asset, allowing for increased
202 travel, visitation and tourism and affording property owners of the opportunity to earn revenue
203 from such occupancy, while ensuring that such uses do not become a nuisance, that neighborhood
204 character is not compromised, and that such businesses are properly operated and maintained.
205 The purpose of this division shall be to minimize public safety risks and public nuisances, such
206 as noise, trash and parking problems; to ensure that traditional neighborhoods are not turned into
207 tourist areas to the detriment of long-term residents; and to ensure that individual dwellings are
208 not turned into pseudo hotels or party houses.

209
210 (b) *Applicability.* A short term rental use (STRU) shall be allowed in any one family dwelling as
211 defined in Appendix B—Zoning, Article 12—Definitions of the zoning ordinance wherever such
212 are allowed by right and do not require a variance or conditional use approval.

213
214 (c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the
215 meanings ascribed to them in this section, except where the context clearly indicates a different
216 meaning:

217
218 *Good neighbor brochure* means a document provided by the owner to the guest or guests and
219 containing: the name and telephone number for the owner; notification on standards of behavior
220 and occupancy relating to parking, noise, trash collection, waste disposal, street maintenance,
221 snow removal, and public safety services and including contact and web access information; and
222 such other information as the city may from time to time prescribe.

223
224 *Guest or guests* means the individual or individuals securing the short term rental use for the
225 purposes of staying overnight.

226
227 *Owner* means the person or persons holding legal or equitable title to the property being offered

228 as a short term rental use.

229
230 *Short term rental use (STRU)* means rental of all or a part of a residential one family dwelling
231 unit which is made available by agreement for a residential occupancy by a tenant in exchange
232 for compensation for a duration of a temporary occupancy of less than 30 days. Rentals of 30
233 days or more shall comply with the provisions of divisions 1 and 2 of this chapter. Lodginghouses
234 as defined in article IX, section 22-281 ~~are~~ **is** not included as short term rental uses under this
235 division.

236
237 (d) *Compliance.* No person shall operate, offer for occupancy or let to another for occupancy as a
238 short term rental use any dwelling which is not in compliance with this article or any other
239 applicable codes.

240 (Ord. No. 2020-05 , 1-11-2021)

241
242 **Sec. 22-357. - Registration and inspection requirements; inspection required for life safety and**
243 **building purposes; short-term rental use license required.**

244
245 (a) The owner of any dwelling proposed for a short term rental use must obtain an annual short term
246 rental use license.

247
248 (b) An inspection by the city code enforcement office shall be required to determine compliance
249 with property maintenance and all other applicable codes. Any items in non-compliance shall be
250 remedied before a license is granted. The inspection shall be required the first time a license is
251 issued and may be required at renewal at the discretion of the code enforcement office. The rental
252 license must be kept current during anytime the dwelling is offered as a short term rental

253
254 (c) The license shall be valid for up to one year and must be renewed no later than January 31 of
255 each year of continued operation.

256
257 (d) The short term rental use license must be clearly displayed inside the dwelling along with any
258 state licenses or permits.

259
260 (e) The short term rental use license may not be transferred to any party except heirs and assigns
261 and shall be void upon transfer of ownership of the property where the short term rental use is
262 located.

263 (Ord. No. 2020-05 , 1-11-2021)

264
265 **Sec. 22-358. - Owner obligations.**

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

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

272
273 (2) A property not owned by a resident of the city shall not be used as a short term rental use. Such
274 property shall not be used for overnight accommodations unless such property qualifies as a bed

275 and breakfast inn pursuant to Dover Code, Appendix B—Zoning, Article 3—District
276 Regulations.
277

278 (3) A good neighbor brochure must be provided in the dwelling listing city provisions as required.
279 (Ord. No. 2020-05 , 1-11-2021)

280 **Sec. 22-359. - Limitations on occupancy and use.**
281

282 (a) The number of guests 12 years and older permitted at any time shall not exceed twice the
283 number of bedrooms (i.e. three bedrooms × two = six occupants), with a maximum of 12
284 individual occupants of all ages at any one time regardless of the number of bedrooms available.
285

286 (b) No more than one extra vehicle per bedroom shall be allowed, not to exceed six extra in total;
287 all parking shall comply with all requirements relating to street maintenance, fire access,
288 parking on paved surfaces, trash collection, obstacles to travel, or other requirements. Violations
289 shall be ticketed offenses.
290

291 (c) Signage identifying the short term rental use, if desired, shall be limited to one sign, mounted
292 on the dwelling, not illuminated, and not to exceed one square feet in size overall. A sign permit
293 must be obtained for any desired sign.
294

295 (d) Access to a full bath must be provided.
296

297 (e) Guests shall be prohibited from further subletting the dwelling.
298

299 (f) Weddings, graduation parties, corporate events, commercial functions, large gatherings, or
300 other special events associated with the STRU shall be prohibited unless a city special event
301 permit shall have been granted for a specific activity and date.
302

303 (g) The owner has the responsibility to not knowingly allow any illegal or criminal activity on the
304 property nor permit the guests to create a public nuisance including, but not limited to, creating
305 noise, causing odors, permitting an unsafe condition, maintaining a disorderly premise,
306 generation of trash, or other behavior which unreasonably disturbs the peace, safety and
307 general welfare of the neighborhood as provided in this chapter and pursuant to Chapter 70—
308 Offenses and Miscellaneous Provisions, Section 70-8—Disorderly Premises and Chapter 42—
309 Environment, Section 42-2—Noise of the Dover Code of Ordinances.
310 (Ord. No. 2020-05 , 1-11-2021)

311

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

313 (a) *Short term rental license.* Payment of a short term rental use license fee as set forth in Appendix
314 F—Fees and Fines is required annually beginning January 31 of each year; the fee will be
315 prorated for a partial year.
316

317 (b) *Failure to register and obtain a license.* Penalties fines for failure to register and obtain a
318 license shall be as set forth in Appendix F—Fees and Fines.
319

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

- 322
- 323 (d) A dwelling cited three times by the Code official or by any city department as a nuisance or
- 324 the location of illegal or criminal activity within any consecutive 12-month period shall have
- 325 its short term rental use license suspended for not less than the rest of the license year or a
- 326 longer period up to permanently.
- 327 (e) The owner shall voluntarily report to the city annually documenting the occupancy and
- 328 frequency of rentals obtained, such report to be completed by January 31 of the following year
- 329 as part of the license renewal and for the purposes of building a database of STRU activity and
- 330 economic impact, not for enforcement or tax purposes.

331 (Ord. No. 2020-05 , 1-11-2021)

332

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

334

335 Enforcement of violations of this division shall be as set forth in Chapter 22—Buildings and Building

336 Regulations, Chapter 42—Environment, and Chapter 70—Offenses and Miscellaneous Provisions of the

337 Code of Ordinances.

338 (Ord. No. 2020-05 , 1-11-2021)

339

340 **Secs. 22-362—22-369380. - Reserved.**

341

342 ~~**DIVISION 4. —SAFE COMMUNITIES⁶⁴**~~

343

344 ~~**Sec. 22-370.—Criminal activity.**~~

345

346 ~~Tenants of rental dwellings, any member of the tenant's household, any guest or other person under the~~

347 ~~tenant's control shall not engage in criminal activity on or within 500 feet of the lot on which the rental~~

348 ~~dwelling resides.~~

349 ~~(Ord. No. 2013-04, 4-8-2013)~~

350

351 ~~**Sec. 22-371.— Safe communities seminar.**~~

- 352 ~~(a) —The City of Dover police department shall offer a safe communities seminar a minimum of~~
- 353 ~~two times each calendar year. The seminar shall be voluntary, except in the following~~
- 354 ~~circumstances:~~

355

356 ~~(1) When a rental dwelling permit has been suspended in accordance with section 22-352,~~

357 ~~the property owner or manager shall attend the seminar prior to reinstatement of the~~

358 ~~suspended rental dwelling permit; or~~

359

360 ~~(2) When a rental dwelling has been the subject of response by the police department on~~

361 ~~three or more occasions within a six month period, due to occasions where the tenant,~~

362 ~~any member of the tenant's family, or any guest or other person under the tenant's~~

363 ~~control have engaged in criminal activity, the property owner or managers shall attend~~

364 ~~the seminar.~~

- 365
- 366 ~~(b) —Upon notification by the chief of police that the safe communities seminar is required in~~
- 367 ~~accordance with subsection (2) above, the department of planning and inspections shall~~
- 368 ~~notify the property owner and/or property manager that he is required to attend the next~~

369 ~~scheduled safe communities seminar. Such notice shall be sent by U.S. Mail, evidenced by~~
370 ~~Certificate of Mailing to the property owner and property manager if a property manager is~~
371 ~~on record with the department of planning and inspections.~~
372 ~~(Ord. No. 2013-04, 4-8-2013)~~
373
374

375
376 **Sec. 22-372. -- Safe communities lease addendum.**

377 ~~(a) All residential leases shall include a safe communities lease addendum, signed by the~~
378 ~~property owner and tenant, in the following form:~~
379

380 ~~In addition to all other terms of the lease, landlord and tenant agree as follows:~~
381

382 ~~(1) The tenant, any member of the tenant's household, any guest or any other person under~~
383 ~~the tenant's control on or within 500 feet of the leased premises:~~
384

385 ~~i. Shall not engage in criminal activity, including drug-related criminal activity, on~~
386 ~~or within 500 feet of the leased premises. "Drug-related criminal activity" means~~
387 ~~the illegal manufacture, sale, distribution, use, or possession of any illegal or~~
388 ~~controlled substance defined by 16 Del. C. Ch. 47.~~
389

390 ~~ii. Shall not engage in any act intended to facilitate criminal activity.~~
391

392 ~~iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal~~
393 ~~activity.~~
394

395 ~~(2) Any activity prohibited by the safe communities lease addendum shall constitute a~~
396 ~~substantial violation of the lease, material noncompliance with the lease, and grounds for~~
397 ~~termination of tenancy and eviction.~~
398

399 ~~(b) The department of planning and inspections shall provide the safe communities lease~~
400 ~~addendum.~~
401

402 ~~(c) An executed copy of the safe communities lease addendum shall be required for all rental~~
403 ~~dwellings in the City of Dover prior to establishment of a utility account for the premises.~~
404

405 ~~(Ord. No. 2013-04, 4-8-2013)~~
406

407 **Sec. 22-373. -- Eviction required.**

408 ~~(a) If the tenant, any member of the tenant's household, any guest or other person under tenant's~~
409 ~~control engages in criminal activity as defined by section 22-331(c)(1) and Chapter 22,~~
410 ~~Buildings and Building Regulations, of the Dover Code on three or more occasions within a~~
411 ~~12-month period, the chief of police shall notify the department of planning and inspections~~
412 ~~to initiate the safe communities lease termination notice procedure directing the property~~
413 ~~owner or property manager to terminate the tenancy in accordance with subsection (b).~~
414

415 ~~(b) Upon notification by the chief of police that termination of tenancy is required in accordance~~

416 ~~with subsection (a), the department of planning and inspections shall notify the property~~
 417 ~~owner and property manager that they have 30 days to initiate the eviction or otherwise~~
 418 ~~terminate the tenancy. Such notice shall be sent by U.S. Mail, evidenced by Certificate of~~
 419 ~~Mailing, to the property owner and property manager if a property manager is on record with~~
 420 ~~the department of planning and inspections.~~

421 (Ord. No. 2013-04, 4-8-2013)

422 ~~• Secs. 22-374 – 22-380. – Reserved.~~

423
 424 **BE IT FURTHER ORDAINED:**

425
 426 That Appendix F Fees and Fines, Chapter 22 Buildings and Building Regulations be amended by inserting
 427 the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

428 **APPENDIX F – FEES AND FINES**

429 **Chapter 22. Buildings and Building Regulations**

Chapter 22. Buildings and Building Regulations	Fees and Fines
<i>Article III. Building Code</i>	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-61. Adopted (International Building Code)	
Sec. 105.5.1. Expiration; Additional 180-day extensions may be granted with payment of a renewal fee	\$25.00 per 180-day extension
Sec. 113.4. Violation penalties; Each day that a violation continues shall be deemed a separate offense	Fine of not less than \$100.00 or more than \$10,000.00
Sec. 114.3. Unlawful continuance	
First offense	\$100.00
Second offense	\$250.00
Third offense	\$500.00
Fourth and subsequent offenses	No less than \$1,000.00 and no more than \$10,000.00
Sec. 22-65. Permit fees	
Fees 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.	
Subsec. (a) Building permits	\$25.00 for first \$1,000.00 of costs and \$8.00 for each additional \$1,000.00 of costs or multiples thereof up to

	\$10,000,000.00 of costs, \$6.00 for each additional \$1,000.00 of costs or multiple thereof up to \$20,000,000.00, and \$5.00 for each additional \$1,000.00 of costs or multiple thereof above \$20,000,000.00
Subsec. (a) Fence permits	\$25.00 for first \$1,000.00 of costs and \$8.00 for each additional \$1,000.00 of costs or multiple thereof
Subsec. (a) Sign permits	\$0.75 per square foot of sign area; minimum fee for each permit \$50.00
Subsec. (a) Swimming pool permits	\$25.00 for first \$1,000.00 of costs and \$8.00 for each additional \$1,000.00 of costs or multiple thereof
Subsec. (a) Demolition permits, any building which is being demolished for the purpose of vacating the land for future development or construction upon the same	\$50.00; \$0.00 if condemned and required to be demolished by the city or any public entity
Subsec. (a) Moving permits, each building	\$250.00
Subsec. (a) Construction plan reviews, nonresidential (Not subject to doubling)	\$20.00 per set of plans
Subsec. (b) Reinspections (Not subject to doubling)	
First reinspection	\$0.00
Second reinspection	\$25.00
Third reinspection	\$50.00
Any subsequent reinspection	\$100.00
<i>Article IV. Electrical Installations</i>	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	

Sec. 22-110. Violations	Not less than \$25.00 or more than \$1,000.00
<i>Article V. Mechanical Code</i>	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-145. Heating, air conditioning, and heat pump permit fees	
Fees shall double in the event that a permit is applied for after construction has commenced without the permission of the building inspector.	
Subsec. (a) Heating permit	\$40.00 first 10,000 BTUs and \$7.00 each additional 10,000 BTUs or multiple thereof
Subsec. (a) Air conditioning permit	\$40.00 per ton for the first five tons and \$7.00 per ton over five tons or multiple thereof
Subsec. (a) Heat pump permit	\$40.00 first 10,000 BTUs and \$7.00 for each additional 10,000 BTUs or multiple thereof or \$40.00 per ton for the first five tons and \$7.00 per ton over five tons or multiples thereof
<i>Article VI. Plumbing Code</i>	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-185. Permit fees	
Fees 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.	
Subsec. (a) Enumerated	
Fixtures	\$35.00 first five fixtures and \$3.00 for each additional fixture
Garbage disposal and hot water heaters	A minimum fee of \$35.00
Gas, water and sewer inspection underground	\$30.00 for first 150 feet and \$0.75 for each

	additional ten feet or multiple thereof
<i>Article VIII. Leases</i>	
<p>Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.</p> <p>(1) Lien. Any fines or fees imposed that remain unpaid shall:</p> <p style="padding-left: 40px;">(a) Be added to the tax duplicate for the tax year said citation was issued by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and</p> <p style="padding-left: 40px;">(b) Be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred.</p>	
Sec. 22-251. Unlawful leases	
Subsec. (g) Violations; penalties	
First offense	\$50.00 \$100.00
Each subsequent offense	\$100.00 Not less than \$100.00 or more than \$1,000.00
<i>Article IX. Lodging Houses</i>	
<p>Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.</p> <p>(1) Lien. Any fines or fees imposed that remain unpaid shall:</p> <p style="padding-left: 40px;">(a) Be added to the tax duplicate for the tax year said citation was issued by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and</p> <p style="padding-left: 40px;">(b) Be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred.</p>	
Sec. 22-301. Generally	
Subsec. (b) Expiration; fee	
Annual permit fee	\$50.00 \$100.00 for the first ten rooms and \$5.00 \$10.00 for each additional room.
Annual dormitory permit fee	\$50.00 \$100.00 for the first ten rooms and \$2.50 \$10.00 for each room thereafter.
Subsec. (c) Failure to pay on due date	A penalty fee in the amount of ten percent

	per month of the amount of the license fee until the same is paid.
Subsec. (d) Reinstatement fee	\$100.00
Article X. Rental Dwellings	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-332. Inspection required	
Subsec. (b) Reinspection fee (Not subject to doubling)	
First follow-up inspection	\$0.00
Each subsequent reinspection, per inspection	\$50.00 \$100.00
If the permit fee is not paid on the date due, the permittee shall incur a penalty fee of ten percent per month of the amount of the license fee until the same is paid.	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-334 Insurance Required	
Subsec. (c) Violations; penalties	Not less than \$25.00, nor more than \$1,000.00
Sec. 22-351. Generally	
Subsec. (a) Single-family dwellings, annual permit	
Single-family detached dwelling, each dwelling	\$100.00 \$200.00
Single-family attached dwelling, each dwelling	\$80.00 \$200.00
Subsec. (b) Multiple-family dwellings, annual permit	
Multiple dwellings consisting of three or less dwelling units	\$100.00 \$200.00
Multiple dwellings consisting of four or more dwelling units:	
For the first three dwelling units	\$100.00 \$200.00
For each additional dwelling unit in excess of three	\$35.00 \$50.00
Condominium units and accessory apartments located within structures principally used for owner occupancy, each	\$35.00 \$75.00
Subsec. (c) Late payment penalty	A penalty fee in the amount of ten percent per month of the amount of the license fee until the same is paid.
Subsec. (d) Reinstatement fee	\$100.00
Sec. 22-360. Enforcement, Fees and Penalties, Reporting	
Subsec. (a) Short term rental license	\$100.00 \$200.00 annually, prorated for partial year

Subsec. (b) Failure to register and obtain a license	\$100.00 Not less than \$100.00 or more than \$1,000.00 (not prorated) in addition to license
Subsec. (c) Penalties for violations	\$100.00 Not less than \$100.00 or more than \$1,000.00 per offense
Article XI. Dangerous Buildings	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-386. Violations; penalties for disregarding notices or orders	
Subsec. (a) Violations by owner, each offense, minimum	\$100.00
Subsec. (b) Violations by occupant or lessee, each offense, minimum	\$100.00
Subsec. (c) Removal of notice, each offense, not to exceed minimum	\$100.00
Article XII. Vacant Buildings	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 22-403. Registration and registration fees	
Subsec. (a)(2)b.(ii). Registration fee	
Residential buildings and non-residential buildings <10,000 SF:	
Buildings vacant one year or less	\$375.00
Buildings vacant for more than one year but less than two years	\$750.00
Buildings vacant for more than two years but less than three years	\$1,500.00
Buildings vacant for more than three years but less than five years	\$3,000.00
Buildings vacant for five years or longer	\$5,000.00

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SYNOPSIS

This ordinance deletes the Safe Communities Ordinance which, according to the City Solicitor the Safe Communities Ordinance is problematic from an enforcement standpoint and believes that it a violation of the Residential Landlord-Tenant Code, 25 Del C. § 5101 *et seq.* This ordinance clarifies that an inspection is required in order to renew a rental license and raises the fees for rental permits which are more in line with what Newark (which has a high number of rentals given the student population) charges but is below the total amount of what Lewes and Rehoboth charge as well as helping to defray rising costs for inspections. This ordinance also requires that property owners who rent out properties have property insurance and allows unpaid fines related to rentals to become tax liens on the property.

(SPONSORS: BOGGERTY AND HUGG)

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451 Actions History:

452 September 27, 2022 - Introduced at Legislative, Finance, and Administration Committee

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