



CITY OF DOVER ORDINANCE #2022-15

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

That Chapter 70 – Offenses and Miscellaneous Provisions be amended to read as follows:

CHAPTER 70 – OFFENSES AND MISCELLANEOUS PROVISIONS

Section 70-9, Nuisance – Findings:

- (a). A public nuisance in the City is hereby declared to be the commission of any act by any person, or the keeping, maintaining, propagation, existence or permitting of anything by any person, which presents an actual or imminent threat to the public health, safety, and welfare of any person, as defined pursuant to 24 CFR § 5.2003.
- (b). A code enforcement officer, or any law enforcement officer, shall, upon obtaining knowledge of the existence of a public nuisance, notify the City Manager or designee who shall cause notice to be sent to the property owner and/or person creating, keeping, or maintaining the nuisance or both to remove or cause it to be removed or abated within 72 hours. Any property owner and/or person found by a code enforcement officer who fails to remove or cause to be removed or abated, upon conviction shall be punished as prescribed in Appendix F- Fees and Fines or by any other legal remedy available to the City as set forth in the codes and ordinances of the City or controlling State or Federal Law.
- (c). It is prohibited and unlawful for a person to keep or permit to remain upon his or her premises, or upon any premises owned, used, or controlled by him or her in any dwelling house, warehouse, or other building, or upon any vacant lot, or in any yard or other public or private place within the City, any nuisance including, but not limited to, conditions occurring on the property which:
 - (1). Interferes with obstructs or renders dangerous for passage on any public or private street, alley, highway, right-of-way, easement, sidewalk, stream, ditch, channel, or drainage of any property; or results in the pollution of any body of water or drainage system by sewage, dead animals, industrial wastes, debris, or other contamination; or results in the blocking of drainage inlets, pipes ditches, swales, channels, culverts, or streams; or
 - (2). Renders any other person unable to reasonably use their personal or real property; or
 - (3). Provides harborage for rats, mice, snakes, insects, or other vermin; or
 - (4). Results in any foul, offensive, or unlawful emissions, odors, or stenches and the causes thereof; or

- (5). Results in dense smoke, noxious or lethal fumes, lethal gas, soot, or cinders; or
 - (6). Results in any condition constituting a fire hazard as defined by the National Fire Protection Association; or
 - (7). Results in topography which, whether in a natural state or because of erosion grading operations, causes erosion, subsidence, or surface water run-off which will, or maybe, injurious to persons or to adjacent public or private properties; or
 - (8). Permits any material the existence of which constitutes, or may constitute, a danger to a person or property including, but not limited to, hazardous materials; or
 - (9). Creates an attractive nuisance which is or may create a risk of injury or illness, no matter how slight, to children including, but not limited to, abandoned or broken equipment or machinery, unfenced or otherwise unprotected swimming pools, spas, or excavations; refrigerators, iceboxes or deepfreeze lockers not being used, without removing the door or such portion of the locking/latching mechanism as will prevent the locking or latching of the door and uncapped or otherwise dangerous wells; or
 - (10). Allows for unlawful trespass or unauthorized occupancy, encampment, or similar use by persons on the property.
- (d) The City Manager, or designee, is hereby authorized and directed to implement the provision of this Ordinance and to take all necessary administrative actions to include, but not limited to, the adoption of administrative rules.

Section 70-10 Violations and Penalties

- (a) The City may enforce the provisions of this Ordinance by any means available to the City under the Code of Ordinances of the City of Dover, Delaware, including but not limited to imposition of fees and fines as set forth in Appendix F, Fees and Fines, or revocation of business and/or rental licenses, or voiding of any other city-issued permit, or as may be available under the controlling provisions of State law.

Section 70-11 Severability

- (a) If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

That Appendix F Fees and Fines, Chapter 70 Miscellaneous Provisions be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

APPENDIX F – FEES AND FINES

Chapter 70 Miscellaneous Provisions

That Appendix F Fees and Fines, Chapter 46 Fire Prevention and Protection Regulations be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Chapter 70. Offenses and Miscellaneous Provisions	Fees and Fines
Sec. 70-1. Combative fighting	
Subsec. (d)(1) Violations; penalties, fines	Not to exceed \$1,000.00. Separate fines may be issued to the promoter of such an event, participants in such an event, and the owner of the premises of such an event
Sec. 70-2. Weapons generally	
(e)(1) Penalties; fines	Not less than \$500.00, nor more than \$1,000.00
Sec. 70-7. Registered sexual offenders	
Subsec. (f) Penalties	\$500.00 for any offense; each day shall constitute a separate offense
Subsec. 70-8. Disorderly premises	Not to exceed \$1,000.00 for any offense.
Sec. 70-10 Violations and Penalties	
Each day that a nuisance violation continues may be considered a new violation. If not paid, fines may be subject to a lien on property of the owner.	
1st offense is at the discretion of the Code Enforcement Officer	Either a warning or a \$100 fine
2nd offense	\$200 fine
3rd and subsequent offenses	Minimum fine of \$300, not to exceed \$1,000 per incident

ADOPTED: OCTOBER 24, 2022

SYNOPSIS

Section 19 of the City Charter authorizes the City Council “to define and abate nuisances.” This ordinance sets forth City Council’s intention to regulate and abate nuisances, defines those activities

which may be deemed as nuisances, and sets forth procedures and authorizes the imposition of fees and fines and other actions for violations.

(SPONSORS: ANDERSON, TAYLOR, AND HUGG)

Actions History:

September 27, 2022 – Introduced at Safety, Advisory, and Transportation Committee

October 10, 2022 – First Reading at Regular Council Meeting

October 24, 2022 – Scheduled for Final Reading at Regular City Council