

**CITY OF DOVER PROPOSED ORDINANCE #2018-03**

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

3 That the Code of Ordinances of the City of Dover, Delaware, be amended by inserting a new Chapter 84 -  
4 Public Safety Fee, as follows:

5 **Chapter 84 - PUBLIC SAFETY FEE**

6 **ARTICLE I. - IN GENERAL**

7 **Sec. 84-1. - Definitions.**

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

10 *Developed Property* means any tax-exempt lot or portion of real property on which a dwelling, structure,  
11 or building exists within the corporate limits of Dover, Delaware.

12 *Responsible Party* means the property owner of record.

13 *Non-dedicated city funds* means funds that have not been designated or reserved for specific purposes.

14 **Sec. 84-2. - Purpose.**

15 The purpose of this chapter is to safeguard, facilitate, and encourage the safety and welfare of the citizens  
16 and businesses of the city. The city council has determined that public safety departments that are  
17 sufficiently well-funded to attract and retain qualified individuals to serve as public safety officers provide  
18 a multitude of economic and social benefits to the public, including but not limited to increased police  
19 protection, prevention of crime, enhanced protection of property, promotion of business and industry, and  
20 promotion of community spirit and growth. The city council has further determined that the resources  
21 necessary to fund effective police and fire protection for every developed property within the city are  
22 insufficient and that a mechanism to fund the benefits conferred on tax-exempt properties and to maintain  
23 the public safety departments at acceptable service levels must be established.

24 **Secs. 84-3 - 84-19. Reserved.**

25 **ARTICLE II. - PUBLIC SAFETY FEE.**

26 **Sec. 84-20. - Established.**

27 There is hereby established a public safety fee for the purpose of providing supplemental funding for the  
28 capital budgets of the public safety departments and for no other purpose. The public safety fees shall not  
29 be used for general or other governmental or proprietary purposes of the city.

30 **Sec. 84-21. - Applicability.**

31 (1) All tax-exempt developed properties within the city limits, unless exempt under Sec. 84-22. -  
32 Exemptions, shall be charged a public safety fee.

- 33 (2) Tax-exempt properties under development shall be charged a public safety fee upon the issuance  
34 of a building permit for that property. The public safety fee shall be pro-rated on a quarterly basis  
35 for each fractional part of a year in which development occurs.

36 **Sec. 84-22. - Exemptions.**

37 The following shall be exempt from payment of the public safety fee:

- 38 (1) Tax-exempt developed property owned by the Federal Government, State of Delaware, Kent  
39 County, and the City of Dover.  
40 (2) Undeveloped properties.

41 **Sec. 84-23. - Public safety fee adoption; calculation.**

- 42 (a) *Adoption.* The public safety fee amount and the collection process will be examined by the city  
43 manager and city council annually during the budget formulation process. All public safety fee  
44 revenues and expenditures shall be distinctly and clearly noted in the city budget. The city council  
45 will set and adopt the public safety fee amount as part of the annual budget. In the event that the  
46 public safety fee revenues are insufficient to properly operate the public safety departments, the  
47 city council may allocate additional funding from other non-dedicated city funds.
- 48 (b) *Calculation.* The public safety fee shall be calculated by multiplying the public safety fee amount  
49 adopted by city council by the exterior square footage of the developed property as of July 1 of  
50 each fiscal year. The city's land management and property records will be utilized to determine  
51 the square footage of the developed property.

52 **Sec. 84-24. - Billing; collection.**

- 53 (a) *Public safety fee billing.* A public safety fee bill will be initiated:
- 54 (1) When a property owner uses or otherwise benefits from public safety services. There shall  
55 be a rebuttable presumption that developed property benefits from public safety services.  
56 (2) Upon the transfer of real estate.  
57 (3) Upon the issuance of a building permit for undeveloped property.
- 58 (b) *Public safety fee collection.* The public safety fees shall be collected monthly.

59 **Sec. 84-25. - Administration.**

60 The city manager shall be responsible for the administration of this chapter, development of the  
61 administrative procedures necessary to implement this ordinance, and the collection of public safety fees.  
62 Administrative procedures adopted by the city council shall be given full force and effect and, unless clearly  
63 inconsistent with this chapter, shall apply uniformly throughout the city.

64 **Sec. 84-26. - Appeals.**

65 (a) *Authorized.* Any tax-exempt property owner which is charged a public safety fee under the  
66 provisions of this chapter shall have the right to appeal the city's interpretation of the square  
67 footage of the property.

68 (b) *Appeals process.*

69 (1) The tax-exempt property owner must file a written appeal with the city manager within 20  
70 days of the date of the public safety fee bill, such written appeal shall include a statement of  
71 the facts setting forth the basis for the appeal, including whether full or partial relief is  
72 sought, and an alternative calculation square foot calculation with supporting documentation.  
73 Failure to file said appeal within the stated time shall constitute a waiver of the property  
74 owners right to appeal.

75 (2) Within 20 days after receipt of the appeal, the city manager, or their designee, shall make a  
76 written decision with respect to the appeal explaining the disposition of the appeal, the  
77 rationale for the decision, and supporting documentation.

78 The city manager, or their designee, shall make all reasonable attempts to resolve appeals  
79 utilizing available existing information, including the supporting documentation filed with  
80 the appeal. Factors to be considered include, but are not limited to, the availability of more  
81 accurate information; changed circumstances; and situations uniquely affecting the party  
82 filing the appeal. If more detailed site-specific information is necessary, the city manager,  
83 or their designee, may request the appellant to provide additional information.

84 If the city manager, or their designee, determines that information provided through the  
85 appeal process justifies re-calculation of the public safety fee, the city manager, or their  
86 designee, may authorize a square footage adjustment retroactive to the date the appeal was  
87 filed. In such instances, reimbursement will be given for any overpayment, retroactive to the  
88 filing date of the appeal.

89 (3) The tax-exempt property owner shall have the right to appeal the decision of the city  
90 manager, or their designee, to the city council by filing a written appeal with the city clerk  
91 within 20 days of the city manager's decision. The city council shall fix a time and place for  
92 hearing the appeal and shall serve a written notice of the hearing upon the person requesting  
93 the appeal. Failure to file said appeal within the stated time shall constitute a waiver of the  
94 property owners right to appeal. The matter shall be heard solely upon the record. In no  
95 event shall a final decision be made later than 90 days after the appeal was made to the city  
96 council.

97 **Secs. 84-27 - 84-29. Reserved.**

98 **ARTICLE III. - ENFORCEMENT**

99 Notwithstanding any provision herein to the contrary, the city may use any necessary measures to enforce  
100 the provisions of this chapter, including but not limited to collection of charges owing. The city's  
101 enforcement rights shall be cumulative.

102 **Secs. 84-30 - 84-39. Reserved.**

103 **ARTICLE IV. - SEVERABILITY AND EFFECTIVE DATES**

104 **Sec. 84-40. - Severability.**

105 The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase,  
106 clause, sentence, paragraph or section of this Code, or its application to any person or circumstance, shall  
107 be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of  
108 competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the  
109 remaining phrases, clauses, sentences, paragraphs or sections of this Code or their application.

110 **Sec. 84-41. - Effective dates.**

111 This ordinance shall become effective April 9, 2018 and billing will begin the 1st day of July 2018.

112 **ADOPTED: \***

113 S:\ORDINANCES\2018\DRAFT\ORDINANCE #2018-03 - PUBLIC SAFETY FEE\ORDINANCE #2018-03 - PUBLIC SAFETY FEE.wpd

114 **SYNOPSIS**

115 The ordinance creates a public safety fee as a funding mechanism to supplement the capital budgets  
116 of the public safety departments to assist with the payment of benefits conferred on tax-exempt  
117 properties.

118 (SPONSORS: HARE AND NEIL)

119 Actions History

120 03/13/2018 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration  
121 Committee