

CITY OF DOVER
ORDINANCE #2013-03

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

That Chapter 22 – Buildings and Building Regulations, Article XII – Vacant Buildings be amended to read as follows:

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 the 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 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, 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 undergoing currently 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 thirty (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. - Appeals.

- (a) Any appeal of the building inspector's decision must be made in writing within 30 days of the decision. The appeal would be heard by the property maintenance code board of appeals.
- (b) 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.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 22 – Buildings and Building Regulations, Article XII – Vacant Buildings, be amended to read as follows:

<i>Chapter 22—Buildings and Building Regulations, Article XII—Vacant Buildings</i>			
<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.</i>			
Sec. 22-403	Registration and Registration Fees		
	Subsec. (a)(2)b. (iii)	Registration fee	
	Residential buildings and non-residential buildings <10,000 SF	Buildings vacant one year or less;	\$250.00
	Residential buildings and non-residential buildings <10,000 SF	Buildings vacant for more than one year but less than two years	\$500.00
	Residential buildings and non-residential buildings <10,000 SF	>Buildings vacant for more than two years but less than five years;	\$1,000.00
	Residential buildings and non-residential buildings <10,000 SF	Buildings vacant for five years or longer	\$2,000.00
	Non-residential buildings ≥ 10,000 SF	Buildings vacant one year or less;	\$500.00

	Non-residential buildings ≥ 10,000 SF	Buildings vacant for more than one year but less than two years	\$1,000.00
	Non-residential buildings ≥ 10,000 SF	>Buildings vacant for more than two years but less than five years;	\$2,000.00
	Non-residential buildings ≥ 10,000 SF	Buildings vacant for five years or longer	\$4,000.00

ADOPTED: MARCH 11, 2013

SYNOPSIS

The proposed ordinance is primarily housekeeping and would improve the administration of the Vacant Building Ordinance. In addition, it would set separate, increased fees for vacant commercial properties greater than or equal to 10,000 square feet in floor area.

Actions History

- March 11, 2013 - Final Reading by City Council
- February 25, 2013 - First Reading by City Council
- February 11, 2013 - Reconsidered by the Legislative, Finance, and Administration Committee
- January 28, 2013 - Referred to Staff by City Council
- January 14, 2013 - Introduced at Legislative, Finance, and Administration Committee Meeting