

## CITY OF DOVER ORDINANCE #2012-10

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

That Chapter 1 - General Provisions, Section 1-13 - Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings be amended to read as follows:

#### **Sec. 1-13. - Clean hands.**

- (a) *Eligibility to receive city utilities or services.* No person, artificial entity, or owner of a one-half or greater interest in that artificial entity shall be eligible to receive any city services, utilities, permits, licenses, or approvals if that person, artificial entity, or owner of a one-half or greater interest in that artificial entity owes outstanding payments to the city; or if that person, artificial entity, or the owner of a one-half or greater interest in that artificial entity is responsible for documented violations of the Dover Code of Ordinances that have remained unresolved for more than 45 days. If the party, artificial entity, or owner of a one-half or greater interest in that artificial entity requesting city approval is current on some but not all obligations owed to the city, the request shall be denied until such time as the person, artificial entity, or owner of a one-half or greater interest in that artificial entity is current and in compliance with all city obligations.
- (b) *Obligations which must be current.* Applicants for city services, utilities, permits, licenses, or approvals shall be current on all of the following obligations to the city, including interest, penalties, court costs, and/or attorney's fees if applicable, prior to receiving such approvals:
- (1) Property taxes.
  - (2) Applicable Delaware realty transfer taxes.
  - (3) Water, sewer, and electric connection/disconnection, front footage and/or usage charges.
  - (4) Trash fees.
  - (5) Application fees.
  - (6) Permit fees, including building permits, building code and inspection/reinspection fees.
  - (7) Vacant building fees.
  - (8) Inspection fees.
  - (9) Charges for the costs of razing or demolition of buildings done through public expenditure.
  - (10) Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure.
  - (11) Assessments for the installation of sewer lines, water mains, sidewalks, and curbing.
  - (12) Charges for the costs of removing weeds, grasses, refuse, rubbish, trash, or other waste material done through public expenditure.
  - (13) Miscellaneous charges.
- (c) *Appointment to committee, commission, or board.* Prior to any person being appointed to a city committee, commission, or board, the city clerk will determine if there are outstanding payments due to the city in their name or the name of any artificial entity in which they own one-half or more interest; or if they are responsible for outstanding, documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. If it is determined that such delinquency or violation exists, this shall be reported to the council president and an executive session shall be scheduled to discuss the nature of the delinquency prior to appointment. If an appointed member of a city committee, commission, or board is determined to have such a delinquency or outstanding violation during their appointment, the city clerk shall report such

delinquency or violation to the council president and an executive session shall be scheduled to discuss the violation or delinquency. City council may reject an appointment or remove an appointee from a city committee, commission, or board due to such delinquency or violation.

(d) *Responsibility of city personnel.*

(1) The administrative agency to which a request has been submitted shall have the responsibility to make a reasonable effort to determine whether there are outstanding payments or outstanding documented violations of the Dover Code of Ordinances.

(2) The appropriate administrative agency shall notify an applicant that the request cannot be processed because of an outstanding payment or an outstanding documented violation. Said notice shall be in writing and shall be sent within ten working days of receipt of the request.

(e) *Exception.* Notwithstanding the provisions of this section, the building inspector, with the concurrence of the city manager, may issue permits and approvals for work that is necessary to correct violations associated with Chapter 22 - Buildings and Building Regulations, Article XI - Dangerous Buildings.

(f) *Appeal of denial of utilities, services or approvals.*

(1) *Appeal to city manager.* Any applicant, person, corporation, or other entity or any owner or member of that corporation or other entity requesting such city services, utilities, permits, licenses, or approvals who receives the aforesaid written denial may appeal that denial to the city manager within 20 calendar days of such denial. The city manager, or his/her designee, shall thereafter hold a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

(2) *Appeal to city council.* An applicant aggrieved by the decision of the city manager regarding his/her appeal may appeal such decision to city council within 20 calendar days of such decision. City council shall schedule a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

ADOPTED: JUNE 25, 2012

### SYNOPSIS

The proposed ordinance clarifies the denial of services, permits, and approvals for non-payment of charges due to the City or for documented and uncorrected code violations. It specifies the financial obligations that must be current to receive services, permits, or approvals. It authorizes the building inspector, with the concurrence of the city manager, to issue permits to remedy violations associated with dangerous buildings. The proposal prohibits the appointment of any person to a city committee, commission or board if that person has outstanding charges due to the city or outstanding, documented, code violations. The proposed ordinance would direct appeals of the denial of services, permits, or approvals to the city manager, rather than City Council, as is the case under the current ordinance.

(SPONSORS: STAFF)

Actions History

- June 11, 2012 - Proposed Amendments Considered by the Legislative, Finance, and Administration Committee
- May 14, 2012 - Proposed Amendments Referred to the Legislative, Finance, and Administration Committee by City Council
- April 23, 2012 - First Reading by City Council
- April 9, 2012 - Considered by the Legislative, Finance, and Administration Committee