

CITY OF DOVER PROPOSED ORDINANCE #2016-21

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

3 That Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section  
4 2-281 - Appointment of the Dover Code be amended by inserting the bold blue text and deleting the text  
5 indicated in red strikeout, as follows:

6 **Sec. 2-281. - Appointment.**

7 ~~There shall be a city clerk selected by the city council at its annual meeting, and such person~~  
8 ~~shall serve as the clerk of the city council.~~

9 OPTION A:

10 **There shall be a City clerk who shall be appointed by and serve at the pleasure of the Council.**

11 OPTION B:

12 **There shall be a city clerk who shall be appointed by and serve at the pleasure of the Council.**  
13 **The city clerk may be removed at any time by a majority vote of the members elected to the council.**

14 OPTION C:

15 **There shall be a City clerk who shall be appointed by and serve at the pleasure of the Council.**  
16 **The city clerk may be removed at any time by a vote of two-thirds of the members elected to the**  
17 **council.**

18 OPTION D:

19 **The council shall appoint a city clerk who shall serve as such at the pleasure of the council and**  
20 **shall be subject to removal at any time by a majority vote of the members elected to the council.**

21 (Code 1981, § 2-116; Ord. of 3-12-2001)

22 **BE IT FURTHER ORDAINED:**

23 That Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office  
24 Created; Appointment of the Dover Code be amended by inserting the bold blue text and deleting the text  
25 indicated in red strikeout, as follows:

26 **Sec. 22-31. - Office created; appointment.**

27 ~~There is hereby created the office of building inspector. The building inspector shall be selected by~~  
28 ~~the city council during its annual meeting.~~

29 OPTION A:

30 **There is hereby created the office of building inspector. The building inspector shall be**  
31 **appointed by and serve at the pleasure of the Council.**

32 OPTION B:

33 **There is hereby created the office of building inspector. The building inspector shall be**  
34 **appointed by and serve at the pleasure of the council. The building inspector may be removed at any**  
35 **time by a majority vote of the members elected to the council.**

36 OPTION C:

37 **There is hereby created the office of building inspector. The building inspector shall be**  
38 **appointed by and serve at the pleasure of the council. The building inspector may be removed at any**  
39 **time by a vote of two-thirds of the members elected to the council.**

40 OPTION D:

41 **There is hereby created the office of building inspector. The council shall appoint a building**  
42 **inspector who shall serve as such at the pleasure of the council and shall be subject to removal at any**  
43 **time by a majority vote of the members elected to the council.**

44 (Code 1968, § 2-75; Code 1981, § 5-1)

45 **BE IT FURTHER ORDAINED:**

46 That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal of  
47 the Dover Code by inserting the bold blue text and deleting the text indicated in red strikethrough, as follows:

48 **Sec. 46-124. - Fire marshal.**

49 (a) ~~**Selection. There shall be a fire marshal, who shall be selected by the city council at its annual**~~  
50 ~~**meeting.**~~

51 OPTION A:

52 **Appointment. There shall be a fire marshal who shall be appointed by and serve at the**  
53 **pleasure of the Council.**

54 OPTION B:

55 **Appointment. There shall be a fire marshal who shall be appointed by and serve at the**  
56 **pleasure of the council. The fire marshal may be removed at any time by a majority vote of the**  
57 **members elected to the council.**

58 OPTION C:

59 **Appointment. There shall be a fire marshal who shall be appointed by and serve at the pleasure**  
60 **of the council. The fire marshal may be removed at any time by a vote of two-thirds of the members**  
61 **elected to the council.**

62 OPTION D:

63 ***Appointment.* The council shall appoint a fire marshal who shall serve as such at the pleasure**  
64 **of the council and shall be subject to removal at any time by a majority vote of the members elected**  
65 **to the council.**

66 (b) *Fire prevention.* The fire marshal or his/her authorized agent shall enforce this article and any other  
67 fire prevention provisions of this Code and any other fire prevention regulations applicable to the  
68 city.

69 (c) *Investigation of fires.* The fire marshal or his/her deputies shall be responsible for the investigation  
70 of the origins and causes of fires and explosions within the corporate limits of the city, which involve  
71 the loss of life or injury or cause destruction or damage to property. Such investigation shall be  
72 initiated immediately upon the occurrence of such fire or explosion. Upon request of the fire  
73 marshal, the city police shall be authorized to assist the fire marshal in the performance of his/her  
74 duties. When any fire or explosion is found to be suspicious or criminal in nature or causes serious  
75 injury or death, the fire marshal or his/her deputies shall contact the city police and, per the  
76 agreement of the fire marshal and chief of police, conduct a joint investigation into the origin and  
77 cause of the fire or explosion.

78 (d) *Hazardous conditions.* When, in the opinion of the fire marshal or code official, a fire or life safety  
79 hazard is of imminent danger to occupants of a building, structure or outdoor event, the fire marshal  
80 or code official may order the unsafe condition removed, said building or structure evacuated or  
81 outdoor event terminated.

82 (e) *Right of entry.* The fire marshal or his/her designee is authorized at all reasonable times to enter and  
83 examine any building, marine vessel, vehicle, or premises for the purposes of making fire safety  
84 inspections. Before entering a private building or dwelling, the fire marshal or his/her designee shall  
85 obtain the consent of the occupant thereof or obtain a search warrant authorizing his/her entry for  
86 the purpose of inspection, except in those instances where an emergency exists. As used in this  
87 section, "emergency" means circumstances which the fire marshal or his/her designee knows or has  
88 reason to believe exist, and which reasonably may constitute immediate and grave danger to life or  
89 property.

90 (f) *Implied consent.* Application for, or acceptance of, any license or permit requested or issued pursuant  
91 to City Code constitutes agreement and consent by the person making the application or accepting  
92 the license or permit to allow the fire marshal or his/her designee to enter the premises at any  
93 reasonable time to conduct such inspections as required by this code or deemed necessary by the fire  
94 marshal or his/her designee to determine compliance with the requirements for such license or  
95 permit.

96 (g) ~~*Placard-Health hazard and unsafe to enter.*~~ The fire marshal or code official may placard any  
97 building damaged by fire or explosion as being a health hazard and unsafe to enter. No one shall  
98 enter any building having been placarded by the fire marshal or code official as being a health hazard  
99 and unsafe without first contacting the fire marshal.

100 (h) ~~*Unlawful to enter.*~~ It shall be unlawful to enter any premise, structure, building, or vehicle which

101 has been damaged by fire or explosion for the purpose of removing, altering or tampering with any  
102 part of the structure, appliance, or object identified and tagged by the fire marshal as being a possible  
103 ignition source or cause of the fire or explosion, without approval of the fire marshal, until the  
104 conclusion of the investigation.

105 (Code 1968, § 2-49; Code 1981, § 7-59; Ord. of 2-9-1998; Ord. No. 2012-05, 9-24-2012)

106 ADOPTED: \*

107 S:\ORDINANCES\2016\DRAFT\ORDINANCE#2016-21 ANNUAL APPOINTMENT - CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL\Ordinance#2016-21 Annual Appointment - City Clerk,  
108 Building Inspector, and Fire Marshal.wpd

109 **SYNOPSIS**

110 The proposed amendments remove the annual appointment requirement for the city clerk,  
111 building inspector, and fire marshal and add language for removal from office.

112 (SPONSORS: HUTCHISON, NEIL, AND ANDERSON)

113 Actions History

114 11/15/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration  
115 Committee

116 10/25/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee

117 10/11/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee