

CITY OF DOVER ORDINANCE #2017-01

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

That Chapter 70 - Offenses and Miscellaneous Provisions of the Dover Code be amended by inserting a new Section 70-8. - Disorderly Premises, as follows:

Sec. 70-8. - Disorderly premises.

- (a) *Disturbing activity.* It shall be unlawful for any owner, owner's agent, manager, caretaker or person occupying a premises to allow, suffer or permit in any residence or upon any premises occupied by himself or herself any conduct which causes public inconvenience, annoyance, alarm to a reasonable person, or disrupts the quiet and good order of adjoining and surrounding properties including, but not limited to, engaging in fighting or in violent, tumultuous, or threatening behavior, making unreasonable noise or an offensively coarse utterance, gesture or display or addressing abusive language to any person present, obstructing vehicular traffic or pedestrian traffic, or creating a hazardous or physically offensive condition which serves no legitimate purpose. Any person who fails to obey the order of a Police Officer to dispel and disperse or otherwise discontinue the disturbing activity may be cited for an additional violation of this Section.
- (b) *Tenant-occupied premises.* In the event that the owner, owner's agent, manager or caretaker of a house, dwelling, or premises where the violation of Subsection (a) hereof has occurred does not occupy or reside at the property, such individual shall be presumed to have allowed, suffered or permitted such conduct if after service of notice that such conduct has occurred, a further violation of Subsection (a) occurs within one hundred eighty (180) days of the service of said notice. The owner, owner's agent, manager or caretaker of a house, dwelling, or premises shall then be in violation of this section.
- (c) *Service of notice.* Notice is properly served upon person if a copy of such notice is personally; or to the person's registered office; or by leaving such notice at the person's usual place of abode with a person of suitable age and discretion who resides therein; or by certified mail addressed to the person's last known address; or the mailing address of the owner of the subject premises as recorded on the Kent County Assessment Records or the City of Dover Rental Permit or Business License records. After service of notice, such owner, owner's agent, or manager or caretaker shall make a good faith effort to develop a plan of action with the Dover Police Department to prevent further violation of Subsection (a).
- (d) *Fines.* Any person convicted of a violation of this Section shall be fined as provided for in Appendix F - Fees and Fines. In any prosecution for an offense under this Section, it shall be an affirmative defense, which must be proved by the preponderance of the evidence, that the occupant has been evicted and is no longer on the premises, or if there is pending at the time of trial an eviction action against the occupant of the premises which action is being pursued in good faith. Otherwise the fines imposed under this Subsection shall not be suspended.
- (e) *Enforcement.* This Section shall be enforced by the Police Department.
- (f) *Provisional order.* Upon the issuance of three violations of Subsection (a) to a business within a twelve-month period, the Police Department will notify the Department of Planning and Inspections.

The Department of Planning and Inspections will issue a provisional order on the business license in accordance with the provisions of Chapter 26 - Businesses, Article II. - Licenses, Section 26-59. - Provisional Order Generally of the Dover Code.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines of the Dover Code be amended by inserting Sec. 70-8 - Disorderly Premises, 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
Sec. 70-8. Disorderly premises	Not to exceed \$1,000.00 for any offense but not less than \$100.00 for the first offense, not less than \$300.00 for the second offense, and not less than \$500.00 for each subsequent like offense.

(Ord. No. 2015-15, 10-26-2015)

ADOPTED: FEBRUARY 13, 2017

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SYNOPSIS

The proposed amendments create a new Section 70-8, Disorderly Premises, under Chapter 70 - Offenses and Miscellaneous Provisions.

(SPONSORS: SLAVIN AND SUDLER)

Actions History

02/13/2017 - Final Reading - City Council

01/23/2017 - First Reading - City Council

01/10/2017 - Introduced - Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee