



PROPOSED ORDINANCE #2026-03

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

3
4 That Chapter 22- Buildings and Building Regulations, Article XI.- Dangerous Buildings, is
5 amended by inserting the text indicated in bold, blue, italics, and deleting the text indicated in red
6 ~~strikeout~~ as follows:

7

8 ARTICLE XI. DANGEROUS BUILDINGS

9 Sec. 22-381. Definitions.

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

12 Dangerous buildings mean all buildings or structures **that** have any ~~or all~~ of the following
13 defects or uses:

14 (1) Leaning interior walls. Those of which the interior walls or other vertical structural members
15 list, lean, or buckle to such an extent that a plumb line passing through the center of gravity
16 falls outside of the middle third of its base.

17 (2) Damaged walls, etc. Those ~~which that~~, exclusive of the foundation, show 33 percent or more
18 of damage or deterioration of the supporting member or members, or 50 percent of damage or
19 deterioration of the non-supporting enclosing or outside walls or covering.

20 (3) Loads on roofs. Those ~~which that~~ have improperly distributed loads upon the floors or roofs,
21 or ~~which that the same~~ are overloaded, or ~~which that~~ have insufficient strength to be
22 reasonably safe for the purpose used.

23 (4) Fire damage, etc. Those **that** have been damaged by fire, wind, or other causes ~~to~~ have
24 become dangerous to life, safety, morals, or the general health and welfare of the occupants or
25 the people of the city.

26 (5) Unfit for habitation. Those which have become or are so dilapidated, decayed, unsafe,
27 insanitary, or so utterly fail to provide the amenities to decent living that they are unfit for
28 human habitation, or are likely to cause sickness or disease, ~~so-as to cause work~~ injury to the
29 health, morals, safety, or general welfare of those living therein.

- 30 (6) Light, air, sanitation. Those having light, air, and sanitation facilities ~~which~~ **that** are
31 inadequate to protect the health, morals, safety, or general welfare of human beings who live
32 or may live therein.
- 33 (7) Fire escapes, etc. Those having inadequate facilities in case of fire or panic, or those having
34 insufficient stairways, elevators, fire escapes, or other means of communication.
- 35 (8) Loose parts. Those ~~which~~ **that** have parts thereof which are so attached that they may fall
36 and injure members of the public or property.
- 37 (9) General welfare. Those which, because of their condition or use, are unsafe, insanitary, or
38 dangerous to the public health, morals, safety, or general welfare of the people of this city.
- 39 (10) Code violations. Those existing in violation of any provisions of the **building** adopted codes
40 of this city, or any provision of the fire prevention code, or **any** other ordinances of this city.
- 41 (11) Drug sales, use, etc. Those which are being used for the unlawful selling, serving, storing,
42 giving away or manufacturing (which includes the production, preparation, compounding,
43 conversion, processing, packaging or repackaging) of any drug, which includes **consists of** all
44 narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in
45 the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).
- 46 (12) Unoccupied buildings. Those ~~which~~ **that** are left unoccupied and unattended for periods of
47 three months or more, so that decay is being accelerated by natural or ~~manmade~~ **other** causes,
48 or which may be attracting trespassers and vagrants, increasing the probability of fire and
49 danger to human life.
- 50 (13) Incomplete buildings. Those under construction **are considered incomplete** if the
51 authorized work is substantially suspended or abandoned for ~~a period of~~ three months or more.

52

53 Sec. 22-382. Standards for repair, vacation, or demolition.

54 The following standards shall be followed in substance by the **code official, building inspector**
55 in ordering **the** repair, vacation, or demolition of dangerous buildings:

56 (1) Repair. If the dangerous building can reasonably be repaired so that it will no longer exist in
57 violation of the terms of this article, it shall be ordered repaired.

58 (2) Vacation. If the ~~dangerous~~ building is in such a condition or is being used ~~as~~ to make it
59 dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered
60 to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of
61 occupancy is issued.

62 (3) Demolition.

63 **The following shall be cause for demolition:**

64 **(a) In all cases where a dangerous building is 50 percent damaged, decayed, or deteriorated**
65 **from its original value or structure, or**

66 **(b) In all cases where a building cannot be repaired so that it will no longer exist in violation**
67 **of the terms of this article, or**

68 **(c) In all cases where a dangerous building is a fire hazard, it poses a risk to public safety as**
69 **determined by the fire marshal or any code official, or**

70 **(d) Any existing or erected structure in violation of the terms of this article or any ordinance**
71 **of the city or statute of the state.**

72 ~~In any case where a dangerous building is 50 percent damaged, decayed, or deteriorated from~~
73 ~~its original value or structure, it shall be demolished, and in all cases where a building cannot be~~
74 ~~repaired so that it will no longer exist in violation of the terms of this article, it shall be~~
75 ~~demolished. In all cases where a dangerous building is a fire hazard, risk to public safety as~~
76 ~~determined by the fire marshal or any code official, or is existing or erected in violation of the~~
77 ~~terms of this article or any ordinance of the city or statute of the state, it may be demolished.~~

78

79 Sec. 22-383. Nuisance declared.

80 All dangerous buildings within the terms of section 22-381 are hereby declared to be public
81 nuisances, and shall be repaired, vacated, ~~and~~ closed, or demolished as hereinbefore and
82 hereafter provided.

83

84 Sec. 22-384. Duties of **a code official** ~~building inspector~~.

85 The **code official** ~~building inspector~~ shall:

86 (1) Inspect public buildings. Inspect or cause to be inspected semiannually all public buildings,
87 schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft
88 buildings ~~for the purpose of determining~~ **to determine** whether any conditions exist which
89 render such places a dangerous building within the terms of section 22-381.

90 (2) Complaints. Inspect any building, wall, or structure about which complaints are filed by any
91 person to the effect that a building, wall, or structure is or may be existing in violation of this
92 article.

93 (3) Reported violations. Inspect any building, wall, or structure reported (as hereinafter
94 provided for) by the fire or police departments of this city as probably existing in violation of
95 this article.

96 (4) Dangerous buildings. Inspect such other buildings as shall from time to time come to his
97 attention as possibly dangerous buildings within the terms of section 22-381.

98 (5) Notice to owner. Notify, in writing, the owner, occupant, lessee, mortgagee, agent, and all
99 other persons having an interest in said building, as shown by the land records of the recorder
100 of deeds of the county, of any building found by him to be a dangerous building within the
101 standards set forth in section 22-381, that:

102 a. Duties of **the property** owner. The owner must vacate and close, or repair, or demolish said
103 building in accordance with the terms of the notice and this article.

104 b. Duties of occupant. The occupant or lessee must vacate and close said building, or may have
105 it repaired in accordance with the notice and remain in possession.

106 c. Persons with interest. The mortgagee, agent or other persons having an interest in said
107 building, as shown by the land records of the recorder of deeds of the county, may, at their own
108 risk, repair, vacate and close, or demolish said building or have such work or act done; provided
109 that any person notified under this subsection to repair, vacate and close, or demolish any
110 building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do,
111 or have done, the work or act required by the notice provided for herein;

112 d. Appeal. The person or entity receiving notice by the **code official building-inspector** shall
113 have the right to appeal his decision directly to the council and have a hearing conducted in
114 accordance with the provisions of section 22-385 before **the city** council, provided that the
115 notice of appeal is filed with the city clerk no later than five days after receiving notice from the
116 **code official building-inspector**.

117 (6) Order to remedy conditions. Set forth in the notice provided for in subsection (5) hereof a
118 description of the building or structure deemed unsafe, a statement of the particulars which
119 make the building or structure a dangerous building and an order requiring the same to be put
120 in such condition as to comply with the terms of this article within such length of time, not
121 exceeding 30 days, as is reasonable.

122 (7) Noncompliance with notice. Report to the council any noncompliance with the notice
123 provided for in subsections (5) and (6) hereof.

124 (8) Testify at hearings. Appear at all hearings conducted by the council and testify as to the
125 condition of dangerous buildings.

126 (9) Notice on buildings. Place a notice on all dangerous buildings, reading as follows:
127 "This building has been found to be a dangerous building by the **code official** ~~building inspector~~.
128 This notice is to remain on this building unit until it is repaired, ~~vacated and closed~~, or
129 demolished in accordance with the notice which has been given the owner, occupant, lessee,
130 mortgagee, or agent of this building, and all other persons having an interest in said building, as
131 shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this
132 notice until such notice is complied with."

133 (10) Orders of council. Carry out all orders of the council to cause the repair, vacation,
134 closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the
135 vacation of the dangerous building, the **code official** ~~building inspector~~ may order the city
136 utilities to be disconnected. In causing the closure of dangerous buildings, the **code official**
137 ~~building inspector~~ may direct the removal from the building of all furniture, equipment, and
138 other personal property left by ~~vacated~~ occupants.

139

140 Sec. 22-385. Hearing before the **City** Council.

141 The **city** council ~~of the city~~ shall:

142 (1) Notice of hearing. Upon receipt of a report of the **code official** ~~building inspector~~ as
143 provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee,
144 lessee, agent, and all other persons having an interest in said building, as shown by the records
145 of the recorder of deeds of the county, to appear before it on the date specified in the notice to
146 show cause why the building or structure reported to be a dangerous building should not be
147 repaired, ~~vacated and closed~~, or demolished in accordance with the statement of particulars set
148 forth in the **code official's** ~~building inspector's~~ notice provided for herein in section 22-384(6).

149 (2) Conduct of hearing. Hold a hearing and hear such testimony as the **code official**,
150 ~~building inspector~~ or the owner, occupant, mortgagee, lessee, or any other person having an
151 interest in said building, as shown by the land records of the recorder of deeds of the county,
152 shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings
153 as defined in section 22-381(11) shall include the testimony of the city chief of police, who may
154 submit arrest records, complaint records, and affidavits relative to the property as evidence for
155 the hearing.

156 (3) Findings. Make written findings of fact from the testimony offered pursuant to
157 subsection (2) of this section as to whether ~~or not~~ the building in question is a dangerous
158 building within the terms of section 22-381.

159 (4) Order. Issue an order based upon findings of fact made pursuant to subsection (3) of this
160 section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons
161 having an interest in said building, as shown on the land records of the recorder of deeds of the
162 county, to repair, ~~vacate and close~~, or demolish any building found to be a dangerous building
163 within the terms of this article, setting the time **not exceeding 30 days** ~~within~~ which said
164 building shall be repaired, ~~vacated and closed~~, or demolished, and provided that any person so
165 notified, except the owners, shall have the privilege of ~~either vacating or~~ repairing said
166 dangerous building; or any person not the owner of said dangerous building but having an
167 interest in said building as shown by the land records of the recorder of deeds of the county
168 may demolish said dangerous building at his own risk to prevent the acquiring of a lien against
169 the land upon which said dangerous building stands by the city as provided in subsection (5)
170 hereof.

171 (5) Failure to comply. If the owner, occupant, mortgagee, or lessee fails to comply with the
172 order provided for in subsection (4) hereof within ten days, cause such building or structure to
173 be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards
174 hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor,
175 cause the costs of such repair, ~~vacation~~, or demolition to be charged against the land on which
176 the building existed as a municipal lien or cause such costs to be added to the tax duplicate as
177 an assessment, or to be levied as a special tax against the land upon which the building stands
178 or did stand, or to be recovered in a suit at law against the owner, provided that in cases where
179 such procedure is desirable and any delay thereby caused will not be dangerous to the health,
180 morals, safety, or general welfare of the people of this city, the council shall notify the city
181 solicitor to take legal action to force the owner to make all necessary repairs or demolish the
182 building.

183 (6) Report to solicitor. Report to the city solicitor the names of all persons not complying with
184 the order provided for in subsection (4) hereof.

185 (Ord. of 2-28-1955, § 5; Code 1981, § 5-90; Ord. of 10-28-1996)

186

187 Sec. 22-386. Violations: ~~-and penalty~~ **penalties** for disregarding notices or orders.

188 (a) Violations by **the property** owner. The **property** owner of any dangerous building who shall
189 fail to comply with any notice or order to repair, vacate and close, or demolish said building
190 given by the council shall be guilty of a misdemeanor and, upon conviction thereof, shall be
191 fined as provided for in Appendix F—Fees and Fines.

192 (b) Violations by occupant or lessee. The occupant or lessee in possession who fails to comply
193 with any notice to vacate and close or who fails to repair said building in accordance with any

194 notice given by the council as provided for in this article shall be guilty of a misdemeanor and,
195 upon conviction thereof, shall be fined as provided for in Appendix F—Fees and Fines.

196 (c) Removal of notice. Any person removing the notice provided for in section 22-384(9) shall
197 be guilty of a misdemeanor and, upon conviction, shall be fined as provided for in Appendix F—
198 Fees and Fines.

199 ~~(d) — [Late payment.] Fines not paid within 14 days of the day the fine was issued, including~~
200 ~~the day the fine was issued, shall be automatically doubled in amount.~~

201 Sec. 22-387. Duties of the city solicitor.

202 The city solicitor shall:

203 (1) Prosecutions. Prosecute all persons failing to comply with the terms of the order provided
204 for in section 22-385(4).

205 (2) Hearings. Appear at all hearings before the council **regarding** ~~in regard to~~ dangerous
206 buildings.

207 (3) Collections. Bring suit to collect all municipal liens, assessments, or **all** costs incurred ~~in~~
208 ~~repairing or causing to be vacated and closed, or demolished,~~ **with any abatements regarding**
209 dangerous buildings.

210 (4) Other legal action. Take such other legal action as is necessary to carry out the terms and
211 provisions of this article.

212

213 Sec. 22-388. Emergency cases.

214 In cases where it reasonably appears that there is an immediate danger to the life or safety of
215 any person, unless a dangerous building is immediately repaired, vacated and closed, or
216 demolished, the **code official** ~~building inspector~~ shall report such facts to the council, which
217 may cause the immediate repair, ~~vacation, or~~ demolition of such dangerous building. The costs
218 of such emergency repair, ~~vacation~~ or demolition of such dangerous building shall be collected
219 in the same manner as provided in section 22-385(5).

220

221 Sec. 22-389. Procedure when **the property** owner **is** absent from the city.

222 In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent
223 from the city, all notices or orders provided for herein shall be sent by registered or certified
224 mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said

225 building, as shown by the land records of the recorder of deeds of the county, to the last known
226 address of each, and a copy of such notice shall be posted in a conspicuous place on the
227 dangerous building to which it relates. Such mailing and posting shall be deemed adequate
228 service.

229

230 Sec. 22-390. Administrative liability.

231 No officer, agent, or employee of the city shall render himself personally liable for any damage
232 that may accrue to persons or property as a result of any act required or permitted in the
233 discharge of his duties under this article. Any suit against any officer, agent, or employee of the
234 city as a result of any act required or permitted in the discharge of his duties under this article
235 shall be defended by the city solicitor until the final determination of the proceedings therein.

236

237 Sec. 22-391. Duties of **the** fire marshal and city employees.

238 The fire marshal, all members of the fire department, all officers of the police department, and
239 all other employees of the city shall report, in writing, to the **Division of Code Enforcement**
240 ~~building inspector~~ all buildings or structures within the city which shall come to their knowledge
241 or attention as being dangerous buildings within the terms of this article.

242 Secs. 22-392—22-399. Reserved.

243

244

245 ADOPTED: *

246

247

247 **SYNOPSIS**

248

249 This ordinance amends the existing text to clarify responsibilities related to dangerous buildings,
250 improve readability through grammatical corrections, and update language to align with
251 currently adopted code standards. It also refines and strengthens the criteria and procedures
252 governing demolition to ensure consistency and effective enforcement.

253

254

(SPONSORS: DUCA & SUDLER)

255

256 Actions History

257 02/10/2026 - Introduction - Council Committee of the Whole/Legislative, Finance, and

258 Administration Committee

259 02/23/2026- First Reading at City Council
260 03/09/2026- Final Reading at City Council

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