



PROPOSED ORDINANCE #2026-04

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 XII.- Vacant Buildings, is amended
5 by inserting the text indicated in bold, blue, italics, and deleting the text stated in red strikeout as
6 follows:
7

8 **ARTICLE XII. VACANT BUILDINGS**

9 Sec. 22-400. ~~Purpose; , applicability, definitions.~~ **Generally.**

10 (a) ~~Purpose. The purpose and intent of this article are to establish a registration and~~
11 ~~identification program of vacant buildings within the city. Vacant buildings are~~
12 ~~detrimental to the surrounding buildings and neighborhoods in which they exist. The~~
13 ~~article is also to ensure the public health, safety and welfare insofar as they are affected~~
14 ~~by vacant buildings within the city. The health, safety and welfare of the neighborhoods~~
15 ~~in which vacant buildings are located are of the utmost importance to the city, as is the~~
16 ~~general community character in which these vacant buildings are located.~~

17 **Purpose. Vacant buildings are detrimental to the surrounding buildings,**
18 **neighborhoods, and the city. Vacant buildings are often subject to property**
19 **maintenance violations and illegal activity, including transient occupancy, illicit**
20 **activity, and additional burdens that require code enforcement, fire, life-safety,**
21 **and police resources. The purpose and intent of this article is to ensure the public**
22 **health, safety, and welfare of the citizens who are affected by vacant buildings**
23 **within the city. The article aims to establish a registration and identification**
24 **program for vacant buildings within the city.**

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26 (b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to
27 vacant buildings. Where, in this article, different sections of this Code may specify ~~different~~
28 **other** requirements, the most restrictive shall govern.

29 (c) *Definitions.* The following words, terms, and phrases, when used in this article, shall have
30 the meanings ascribed to them in this subsection, except where the context ~~clearly~~
31 a different meaning.

32 (1) *Vacant building* means a building, structure, or dwelling that has been unoccupied for
33 more than three consecutive months, or a commercial tenant space **that fronts a**

34 **public street. A tenant space within an enclosed structure, such as a mall or office**
35 **building, shall not be considered a vacant building unless it is** greater than ~~10~~5,000
36 square feet in an otherwise occupied building that has been left unoccupied for more
37 than three consecutive months. **A building is considered unoccupied, unattended, or**
38 **vacant when it is no longer being used for the accustomed and ordinary purpose**
39 **of the building and/or is no longer connected to utilities and/or is no longer**
40 **maintained according to the property maintenance code.**

41 (2) *Actively for sale or lease* means the building is being actively marketed through a
42 licensed real estate broker or **party acting on behalf of** the owner who is regularly
43 advertising the property in newspapers circulated in and around Dover, it is being
44 offered for sale or lease at a cost of no more than 25 percent over market rate as
45 determined by the city assessor, and the building is in reasonable condition for sale or
46 lease, including but not limited to: no trash has collected inside or outside of the
47 building, the utilities are functional, and it is not being used as storage that is unrelated
48 to the former use. **A properly executed and effective letter of agreement to list for**
49 **sale or lease is required and must remain in effect for the duration of the**
50 **exemption period. If the contract is terminated for any reason, the exemption**
51 **shall be void, and applicable vacant building fees shall be charged.**

52 (3) *Occupied*: **A building or structure shall be deemed occupied under the provisions**
53 **of this section if one or more people conduct a lawful business or reside in the**
54 **building permanently as the owner or tenant. Evidence of occupancy may include,**
55 **but is not limited to, continued billing to utility services at levels of consumption**
56 **commensurate with the use(s) for which the property is intended, City of Dover**
57 **Business License, or City of Dover Rental Dwelling Permit. A building or dwelling**
58 **used as a “model” for sales and advertising purposes shall be considered occupied**
59 **if it is actively being used for this purpose.**

60 Sec. 22-401. Monitoring, inspection, and condition standards.

- 61 (a) The ~~building inspector~~ **code official** shall inspect any premises in the city ~~for the purpose of~~
62 ~~enforcing and assuring to enforce and ensure~~ compliance with the provisions of this
63 article. Upon request of the **code official** ~~building inspector~~, an owner shall provide access
64 to all interior portions of a vacant building to permit a complete inspection. Once a
65 building/structure/unit, or residence (~~hereon~~ **hereinafter** referred to as **a vacant building**) is
66 registered as a vacant building, the vacant building **interior** shall be inspected annually for
67 as long as it is considered vacant.
- 68 (b) The vacant building shall be secured; the exterior ~~building~~ **structure** and premises shall
69 be maintained in accordance with all City of Dover **Ordinances**. ~~Code requirements~~. **The**
70 **City will ensure that all buildings found unsecured by the code official are secured at**
71 **the owner's expense.**

72 (c) The vacant building shall be in reasonable condition (all utilities shall be functional; there
73 shall be no trash or debris inside or outside the building, and it shall not be used as storage
74 that is unrelated to the former use). **Noncompliance shall void any previously granted**
75 **exemption.**

76 Sec. 22-402. Agent—~~Responsible person required.~~ **Owner's designated responsible party.**

77 (a) *Property manager.* Any owner of a vacant building, residing outside of the county, shall be
78 required to have a licensed property manager residing or having an office located in the
79 county, or a family member or other designated individual who does not manage any other
80 real estate for a fee and who resides in the county, acting as a property manager. The
81 property manager, including family members and designated individuals, shall have charge,
82 care, and control of the vacant building and shall provide access to the vacant building for
83 inspection upon request by the **code official** ~~building inspector~~ within **thirty 30** days.

84 (b) *Corporate or partnership owners.* Any corporation or partnership owning a vacant building
85 shall have a designated member, partner, or employee ~~having~~ charge, care, and control of
86 the vacant building. The designated member, partner, or employee shall reside in or have an
87 office located in the county or shall be required to have a licensed property manager
88 residing or having an office located in the county, or another designated individual who
89 does not manage any other real estate for a fee, and who resides in the county, acting as a
90 property manager. The property manager, or other designated individuals, shall have charge,
91 care, and control of the vacant building and shall provide access to the vacant building for
92 inspection upon request by the **code official** ~~building inspector~~ within **thirty 30** days.

93 Sec. 22-403. Registration and registration fee.

94 (a) *Registration of vacant building.* There are two ways to register the building as vacant.

95 (1) The owner shall register with the city not later than **thirty 30** days after any building
96 in the city becomes vacant, as defined.

97 The registration of the vacant building shall include the site address, the name of the
98 current owner or owners, current address of the owner and of all applicable owners, tax
99 parcel number, proof of insurance on the building, description of the condition of the
100 building, plans for the building (to eliminate the vacancy), the responsible person or
101 agent and their contact information and any other applicable information. If any
102 information changes, the owner is responsible for informing the city of those changes
103 **within thirty days. in a timely manner.**

104 (2) The **code official** ~~building inspector or his designee~~, shall investigate any property
105 that may be subject to registration. Based upon ~~his~~ **their** findings, the **code official**
106 ~~building inspector~~ may register the property as a vacant building subject to this
107 chapter.

108 a. *Notice of registration.* Within five business days of such registration, the
109 ~~Licensing and Permitting Office~~ **code official** shall notify the owners of the
110 registered property by certified mail at their last known address ~~according to the~~
111 ~~records of the city and Kent County~~, **as recorded in the City of Dover and Kent**
112 **County records.**

113 b. *Registration fee.*

114 (i) The annual registration fee shall be paid at the time of registration. If the
115 ~~code official building inspector~~ registers the building as vacant, the fee shall
116 be due not later than ~~thirty 30~~ days after the building is registered as vacant.
117 The annual registration fee **will be due at the time of the initial**~~will then be~~
118 ~~due on the~~ registration and the anniversary date every year, after ~~that~~ as long
119 as ~~it~~ **the identified building** remains vacant. ~~The starting point for counting~~
120 ~~a building as being vacant will begin on the date of the enactment of this~~
121 ~~article [June 26, 2006].~~

122 (ii) The annual fee is as provided for in Appendix F—Fees and Fines.

123
124 **(3) *Renewal.* The code official will send a notice of required registration by certified**
125 **mail to the owner and the agent's last known address. The property owner shall**
126 **have thirty calendar days to renew the registration or appeal the requirement**
127 **and/or fee. All appeals shall be filed as indicated in Section 22-406 of this article.**
128 **Failure to pay the required fee or submit an appeal within the designated time shall**
129 **constitute a violation according to Section 22-404.**

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132 Sec. 22-404. ~~Violation and penalties~~ **Registration Fees.**

133 (a) If the registration fee is not paid within ~~thirty 30~~ **calendar** days of being due, the owner
134 shall be in violation of this article and **will be subjected to the following.**

135 (1) A debt lien ~~can~~ **shall** be assessed against the property. Such fees shall be entered ~~in~~
136 **into** the municipal lien docket as a lien owing **to** the city, and the same may be turned
137 over to the city solicitor for collection.

138 (2) The **unpaid fees** will be assessed to the parcel's tax bill.

139 (3) The **unpaid fees** shall be paid in full prior to the transfer of title.

140 (4) The fees shall be paid in full prior to the issuance of any **building** permits, **licenses, or**
141 **services** for the subject building ~~and or~~ **or** for any other building that is owned by the
142 owner within the city.

143 (5) Fees are assessed based on the total number of years the property is vacant. Fees
144 are calculated by the date of the first Notice of Violation issued by the code
145 official.

146 (6) Any exemption granted does not reassess or change the total number of years the
147 property is vacant when assessing the yearly fee. The fees will continue to be
148 evaluated from the date of the initial notice of violation.

149
150 Sec. 22-405. Exemptions—Types of buildings eligible for exemption status from the registration
151 fee.

152 (a) The following are exempt from the registration: The building has fire damage.

153 (1) The **property** owner **or agent** has **ninety 90** days **from the first day of fire damage**
154 to file for a permit to start construction or demolition, or it will be determined a
155 vacant property.

156 (2) **Failure to file for the permit within ninety days of fire damage will void the**
157 **exemption from registration.**

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159
160 (b) The following properties shall be registered as vacant, but they are exempt from the
161 registration fee:

162 (1) The building is being offered for sale or lease for a **combined** maximum period of
163 **three five** years. After such time, this article will be in effect. Proof of activity shall
164 ~~fall on~~ **be the responsibility** of the owner to provide. See definition.

165 (2) The owner has obtained a building permit and is progressing ~~in an expedient manner~~
166 to prepare the premises for occupancy. **This exemption may be granted for not more**
167 **than one year.**

168 (3) The property is in probate; however, **the exemption shall terminate thirty calendar**
169 **days after the estate is closed.** ~~or where the owner has entered a long-term care~~
170 ~~facility within six months of the building being vacant.~~ **This exemption may be**
171 **granted for not more than two years.**

172 (4) **The owner of the property has entered a long-term care facility within six months**
173 **of the building being vacant, provided that the exemption related to long-term**
174 **care shall not exceed two years, after which registration fees apply.**

175 (5) The property is currently undergoing environmental cleanup or assessment. This
176 exemption shall terminate **thirty 30** days after the completion of **the** cleanup. **This**
177 **exemption may be granted for not more than one year.**

178 (6) A vacant first-floor storefront in an otherwise occupied building in the Downtown
179 Development District may be exempt, provided the owner demonstrates they are
180 actively trying to lease/sell the property during the vacancy period. The building
181 must provide adequate advertisement approved by the Design Committee of the
182 Downtown Dover Partnership. This exemption may be granted for a maximum of
183 two years.

184 (7) Active-duty military service with deployment orders.

185 (c) *Granted exemptions:*

186 (1) No more than one exemption may be granted for the duration of the case, starting
187 from the initial notice of violation sent to the property owner.

188 (2) Exemptions granted have consecutive timing and may not be extended beyond the
189 time specified in this chapter. When a previously issued exemption has exhausted
190 its total time, further exemptions shall not be granted.

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193 ~~(e)~~(d) *Failure to register.* If the ~~owner of the~~ property owner or agent fails to register the
194 property with the City of Dover within ~~30~~ thirty days of notification to do so by the City of
195 Dover code official staff, then the property owner/agent may not be entitled to the
196 exemption from the fees.

197
198 Sec. 22-406. Appeals ~~of the 25 percent over market rate.~~

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200 (a) An appeal of the 25 percent over market rate (from the actively for sale or lease
201 definition) can be considered through an appraisal using accepted appraisal standards to
202 determine the market rate. The property owner or agent must have the appraisal ~~has~~
203 ~~the option of asking the city tax assessor to perform the appraisal or having one~~
204 performed (using accepted appraisal standards) at their own expense.

205 (b) Any appeal of the Code Official's decision must be made in writing within thirty
206 days of notification and submitted to the City Clerk's Office. All appeals are
207 pursuant to Section 1-18 of the Dover Code of Ordinances.

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210 ADOPTED: *

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212 SYNOPSIS

213 This ordinance amends the City of Dover’s vacant building regulations to provide clearer, more
214 detailed, and enforceable standards. It recognizes that vacant buildings negatively impact
215 surrounding properties, neighborhood stability, and public safety. The amendments update and
216 refine key definitions, establish firm timelines for registration and compliance, clarify eligibility
217 for exemptions, and improve transparency for property owners. Overall, the ordinance is
218 intended to strengthen accountability, reduce the number and duration of vacant buildings, and
219 protect the quality of life for residents and visitors throughout the city.

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221

(SPONSORS: DUCA & SUDLER)

222

223 Actions History

224 02/10/2026 - Introduction - Council Committee of the Whole/Legislative, Finance, and
225 Administration Committee

226 02/23/2026- First Reading at City Council

227 03/09/2026- Final Reading at City Council