



PROPOSED ORDINANCE #2026-04

WITH STAFF AMENDMENT #1

(STAFF AMENDMENT #1 IS INDICATED IN GREEN TEXT)

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

That Chapter 22- Buildings and Building Regulations, Article XII.- Vacant Buildings, is amended by inserting the text indicated in bold, blue, italics, and deleting the text stated in red strikethrough as follows:

ARTICLE XII. VACANT BUILDINGS

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

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

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

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

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

~~(1) Vacant building means a building, structure, or dwelling that has been unoccupied for more than three consecutive months, or a commercial tenant space that fronts a public street. A tenant space/unit within an enclosed structure, such as a mall or office building, shall not be considered a vacant building unless it is greater than 10 5,000 square feet in an otherwise occupied building that has been left unoccupied for more than three consecutive months. A building is considered unoccupied, unattended, or vacant when it is no longer being used for the accustomed and ordinary purpose of the building, and/or maintains 50 percent or less occupancy of the total units within the parcel, and/or is no longer connected to utilities, and/or is no longer maintained according to the property maintenance code.~~

(1) *Commercial vacant building* means a building, structure, dwelling, or commercial tenant space that fronts a public street and has been unoccupied for more than three consecutive months. A commercial vacancy exists when the building, structure, or tenant space is considered unoccupied, unattended, or vacant when it is no longer being used for the accustomed and ordinary purpose of the building. A tenant space/suite within an enclosed structure, such as a mall or office building, shall not be considered a vacant building unless it is greater than 5,000 square feet in an otherwise occupied building that has been left unoccupied for more than three consecutive months. For the purposes of this ordinance, any commercial tenant space occupied at 50 percent or less of its usable square footage shall be deemed vacant. Hotels, motels, and similar lodging establishments shall not be considered vacant unless they are no longer operational.

(2) *Residential vacant building* means a building, structure, or dwelling that has been unoccupied for more than three consecutive months. A residential vacancy exists when the building, structure, or dwelling is considered unoccupied, unattended, or vacant when it is no longer being used for the accustomed and ordinary purpose of the structure.

~~(2)~~ (3) *Actively for sale or lease* means the building is being actively marketed through a licensed real estate broker or **party acting on behalf of** the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the city assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use. **A properly executed and effective letter of agreement to list for sale or lease is required and must remain in effect for the duration of throughout the exemption period. If the contract is terminated for any reason, the exemption shall be void, and applicable vacant building fees shall be charged.**

(4) *Occupied:* A building or structure shall be deemed occupied under the provisions of this section if one or more people conduct a lawful business or reside in the

building permanently as the owner or tenant. Evidence of occupancy may include, but is not limited to, continued billing to utility services at levels of consumption commensurate with the use(s) for which the property is intended, City of Dover Business License, or City of Dover Rental Dwelling Permit. A building or dwelling used as a “model” for sales and advertising purposes shall be considered occupied if it is actively being used for this purpose.

(5) *Vacation Home:* A building or structure shall be deemed a vacation home when the home is occupied at least six months out of the year and is used only as a vacation home and not as the owner's primary residence.

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

- (a) The ~~building inspector~~ **code official** shall inspect any premises in the city ~~for the purpose of enforcing and assuring to enforce and ensure~~ compliance with the provisions of this article. Upon request of the **code official** ~~building inspector~~, an owner shall provide access to all interior portions of a vacant building to permit a complete inspection. Once a building/structure/unit, or residence (~~hereon~~ **hereinafter** referred to as **a** vacant building) is registered as a vacant building, the vacant building **interior** shall be inspected annually for as long as it is considered vacant.
- (b) The vacant building shall be secured; the exterior ~~building structure~~ and premises shall be maintained in accordance with all City of Dover **Ordinances**. ~~Code requirements~~. **The City will ensure that all buildings found unsecured by the code official are secured at the owner's expense.**
- (c) The vacant building shall be in reasonable condition (all utilities shall be functional; there shall be no trash or debris inside or outside the building, and it shall not be used as storage that is unrelated to the former use). **Noncompliance shall void any previously granted exemption.**

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

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

office located in the county or shall be required to have a licensed property manager residing or having an office located in the county, or another designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a property manager. The property manager, or other designated individuals, shall have charge, care, and control of the vacant building and shall provide access to the vacant building for inspection upon request by the **code official building inspector** within **thirty 30** days.

Sec. 22-403. Registration and registration fee.

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

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

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

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

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

b. *Registration fee.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The building is being offered for sale or lease **by a licensed realtor** for a **combined** maximum period of **three** ~~five~~ years. **The offered price cannot exceed 25 percent of the market rate.** After such time, this article will ~~be in~~ **take** effect. Proof of activity shall ~~fall on~~ **be the responsibility** of the owner to provide. See definition.

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

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

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

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

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

~~(6) Active-duty military service with deployment orders. This exemption shall expire thirty days from the end date of the deployment orders.~~

~~(7) Vacation homes only when not used as a primary residence. This exemption may be granted annually, given that the property maintains all requirements of this chapter. Failure to meet all requirements of this chapter will result in the removal of this exemption and the assessment of subsequent fees.~~

(c) *Granted exemptions:*

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

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

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

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

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

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

ADOPTED: *

SYNOPSIS

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

(SPONSORS: DUCA & SUDLER)

251 Actions History

252 05/12/2026 – Introduction with Staff Amendments – Council Committee of the Whole/Legislative,
253 Finance, and Administration Committee

254 04/14/2026 – Pulled from the Legislative, Finance, and Administration Committee agenda

255 02/10/2026 - Introduction - Council Committee of the Whole/Legislative, Finance, and
256 Administration Committee – Referred back to the committee with staff edits