



ORDINANCE #2026-03

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

That Chapter 22 – Buildings and Building Regulations, Article XI – Dangerous Buildings, be amended to read as follows:

ARTICLE XI. – DANGEROUS BUILDINGS

Sec.22-381. – Definitions.

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

Dangerous buildings mean all buildings or structures that have any of the following defects or uses:

- (1) *Leaning interior walls.* Those of which the interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) *Damaged walls, etc.* Those that, exclusive of the foundation, show 33 percent or more damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (3) *Load on roofs.* Those that have improperly distributed loads upon the floors or roofs, or that are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.
- (4) *Fire damage, etc.* Those that have been damaged by fire, wind, or other causes which have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
- (5) *Unfit for habitation.* Those that have become or are so dilapidated, decayed, unsafe, insanitary, or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety, or general welfare of those living therein.
- (6) *Light, air, sanitation.* Those having light, air, and sanitation facilities that are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

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

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

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

- (1) *Repair.* If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) *Vacation.* If the building is in such a condition or is being used to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.
- (3) *Demolition.* The following shall be cause for demolition:
 - (a) In all cases where a dangerous building is 50 percent damaged, decayed, or deteriorated from its original value or structure, or
 - (b) In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, or
 - (c) In all cases where a dangerous building is a fire hazard, it poses a risk to public safety as determined by the fire marshal or any code official, or
 - (d) Any existing or erected structure in violation of the terms of this article or any ordinance of the city or statute of the state.

Sec. 22-383. Nuisance declared.

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

Sec. 22-384. Duties of a code official.

The code official shall:

- (1) *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft buildings to determine whether any conditions exist which render such places a dangerous building within the terms of section 22-381.
- (2) *Complaints.* Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this article.
- (3) *Reported violations.* Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of this article.
- (4) *Dangerous buildings.* Inspect such other buildings as shall from time to time come to the inspector's attention as possibly dangerous buildings within the terms of section 22-381.
- (5) *Notice to owner.* Notify, in writing, the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by the inspector, to be a dangerous building within the standards set forth in section 22-381, that:
 - a. *Duties of the property owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article.
 - b. *Duties of occupant.* The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession.
 - c. *Persons with interest.* The mortgagee, agent, or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish the said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
 - d. *Appeal.* The person or entity receiving notice by the code official shall have the right to appeal his decision directly to the council and have a hearing conducted in accordance with the provisions of section 22-385 before the city council, provided that the notice of appeal is filed with the city clerk no later than five days after receiving notice from the code official.
- (6) *Order to remedy conditions.* Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars

which make the building or structure a dangerous building and an order requiring the same to be put in such condition to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

- (7) *Non-compliance with notice.* Report to the council any non-compliance with the notice provided for in subsections (5) and (6) hereof.
- (8) *Testify at hearings.* Appear at all hearings conducted by council and testify as to the conditions of dangerous buildings.
- (9) *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:
“This building has been found to be a dangerous building by the code official. This notice is to remain on this building unit until it is repaired, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent for this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with.”
- (10) *Orders of council.* Carry out all orders of the council to cause the repair, vacation, closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacation of the dangerous building, the code official may order the city utilities to be disconnected. In causing the closure of dangerous buildings, the code official may direct the removal from the building of all furniture, equipment, and other personal property left by occupants.

Sec. 22-385. Hearing before City council.

The City council shall:

- (1) *Notice of hearing.* Upon receipt of a report of the code official as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, or demolished in accordance with the statement of particulars set forth in the code official’s notice provided for herein in section 22-384(6).
- (2) *Conduct of hearing.* Hold a hearing and hear such testimony as the code official or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of the city chief of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.
- (3) *Findings.* Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether the building in question is a dangerous building within the terms of section 22-381.

- (4) *Order*. Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, or demolish any building found to be a dangerous building within the terms of this article, setting the time not exceeding 30 days which said building shall be repaired, or demolished, and provided that any person so notified, except the owners, shall have the privilege of repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at their own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) hereof.
- (5) *Failure to comply*. If the owner, occupant, mortgagee, or lessee, fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor, cause the costs of such repair or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay is thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the council shall notify the city solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.
- (6) *Report to solicitor*. Report to the city solicitor the names of all persons not complying with the order provided for in subsection (4) hereof.

Sec. 22-386. Violations and penalties for disregarding notices or orders.

- (a) *Violations by the property owner*. The property owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate and close, or demolish said building given by the council shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in Appendix F – Fees and Fines.
- (b) *Violations by occupant or lessee*. The occupant or lessee in possession who fails to comply with any notice to vacate and close or who fails to repair said building in accordance with any notice given by the council as provided for in this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in Appendix F – Fees and Fines.
- (c) *Removal of notice*. Any person removing the notice provided for in section 22-384(9) shall be guilty of a misdemeanor and, upon conviction, shall be fined as provided for in Appendix F – Fees and Fines.

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

The city solicitor shall:

- (1) *Prosecutions*. Prosecute all persons failing to comply with the terms of the order provided for in section 22-385(4).
- (2) *Hearings*. Appear at all hearings before the council regarding dangerous buildings.
- (3) *Collections*. Bring suit to collect all municipal liens, assessments, or all costs incurred with any abatements regarding dangerous buildings.
- (4) *Other legal action*. Take such other legal action as is necessary to carry out the terms and provisions of this article.

Sec. 22-388. Emergency cases.

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

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

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city, all notices or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

Sec.22-390. Administrative liability.

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

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

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

Secs. 22-391-22-399. Reserved.

ADOPTED: April 27, 2026

SYNOPSIS

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

(SPONSORS: DUCA and SUDLER)

Action History

04/27/2026 – Final Reading – City Council

04/13/2026 – First Reading – City Council

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