COUNCIL COMMITTEE OF THE WHOLE
AGENDA

FEBRUARY 13, 2018 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS, 15 LOOCKERMAN PLAZA, DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **PRESENTATION - HEALTHY NEIGHBORHOODS/OPEN STREETS PROGRAM**

2. **POTENTIAL LAND ACQUISITION - 104 WASHINGTON STREET AND 149 HAZEL ROAD**
   (THE COMMITTEE POSTPONED THIS ITEM DURING ITS MEETING OF JANUARY 9, 2018)

3. **EVALUATION OF PROPOSALS - DOVER PARK MASTER PLAN**
   (STAFF RECOMMENDS AWARDING WHITMAN REQUARDT AND ASSOCIATES, LLP THE CONTRACT FOR DOVER PARK MASTER PLANNING SERVICES)

4. **FINAL REPORT - NON-CONFORMING USES PROJECT (PLANNING REFERENCE #MI-16-13)**
   (STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

5. **ADJOURNMENT OF PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE MEETING**

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **EVALUATION OF PROPOSAL - ELECTRIC UTILITY MANAGEMENT AND BENCHMARKING ASSESSMENT**
   (STAFF RECOMMENDS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AVANT ENERGY FOR AN ELECTRIC UTILITY MANAGEMENT AND BENCHMARKING ASSESSMENT)

2. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **PROPOSED ORDINANCE #2018-01 - AMENDING CHAPTER 66 - MANUFACTURED HOMES, MOBILE HOMES, AND LAND LEASE COMMUNITIES; APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 8 - MANUFACTURED HOUSING (MH) ZONE; APPENDIX B - ZONING, ARTICLE 12 - DEFINITIONS; AND APPENDIX F - FEES AND FINES (SPONSORS: NEIL AND HUGG)**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (CONTINUED)

2. REVIEW OF TRAINING, CONFERENCE, AND TRAVEL POLICY
(STAFF RECOMMENDS APPROVAL OF THE PROPOSED AMENDMENTS)

3. ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

KENT COUNTY CONSERVANCY

"Preserving our past, protecting our future."

426 S. State St.
Dover, Delaware 19901
302-678-1175

May 23, 2017

Mr. Robin R. Christiansen, Mayor
Mr. Timothy A. Slavin, President of Council
City of Dover
15 Loockerman Plaza
Dover, Delaware 19901

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Tony DePrima
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Jack Foley

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Michael Mercer

Timothy O'Connor

Charles A. Salkin

David Vaughan

Dear Mayor Christiansen and President Slavin:

The Board of Directors of the Kent County Conservancy encourages the City of Dover to acquire two small parcels of land adjacent to Silver Lake Park. Both are owned by the Jackson family: 0.77 acres at the east end of Washington Street and the adjacent wetland portion of 149 Hazel Road. These lots will soon be advertised for sale.

These small parcels are very important to the integrity of the park. The Washington Street parcel is heavily wooded and buffers that recreation area from nearby residential development. While the wetland parcel is nominally protected by regulation, its continued responsible management is not guaranteed by a future owner.

The Jacksons have been excellent stewards of these land for decades and would like to see them come under public ownership and protection. The Conservancy and the Jacksons have had an introductory meeting with David Hugg to talk about how this might be accomplished.

The assessed valuation of the Washington Street lot is $66,000; the wetlands, of course, would have a much lower value. Neither parcel has had a formal appraisal. Regardless of a final appraised value, it is very likely that one-half of the cost could be reimbursed by DNREC's Land and Water Conservation Trust Fund.

We suggest that you continue discussions with the Jacksons as soon as possible before the two parcels are publicly listed.

It is also imperative that the City submit a Pre-Application to DNREC by the May 26, 2017, deadline. It is a simple submission and does not commit the City to follow up with a formal application. However, if this deadline is not met, the City would not be able to formally apply for funds when applications are accepted in the fall.

Please let us know what we can do to advance the preservation of these two small but very ecologically-significant and strategic parcels.

Sincerely,

Gerald I. Street
President

Charles A. Salkin
Chair, Land Protection Committee

Cc: David S. Hugg, III
Jackson Family
Dean Holden, Silver Lake Commission

KENT COUNTY CONSERVANCY

"Preserving our past, protecting our future."

RECEIVED
OCT 26 2017
OFFICE OF THE CITY CLERK

426 S. State St.
Dover, Delaware 19901
302-678-1175

October 25, 2017

Mr. Fred A Neil
Councilman – 3rd District
Dover City Council
P. O. Box 475
Dover, Delaware 19903

OFFICERS AND BOARD OF DIRECTORS

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David Vaughan

Dear Councilman Neil:

Thanks so much for meeting with Chazz last week at Silver Lake Park. The Kent County Conservancy encourages the City of Dover to reconsider the acquisition of two small parcels at the west side of the Park owned by the Jackson family.

Since this potential acquisition was reviewed by Council in executive session, the Jacksons have offered a revised "deal" that is, we believe, a game-changer. They are willing to consider selling the two parcels at one-half of their fair-market value. With matching funds from DNREC's Land and Water Conservation Trust Fund, the land could be secured and protected. The City's only cost would be relatively small expenditures for appraisal, survey and settlement.

Regardless of cost, this valuable habitat and landscape needs to be protected. Most visitors to the Park assume that the woods and wetlands on the Jackson parcels are already public land. It is hard to imagine how the character of this recreation area would change if these tracts were developed or otherwise altered.

We encourage the City to work with our Conservancy and the Jacksons to make their very generous offer a reality. We are pleased to have your support for moving this important opportunity forward.

Sincerely,

Gerald I Street
President

Charles A. Salkin
Chair, Land Protection Committee

Cc: Councilman Scott W. Cole
Mayor Robin Christiansen
Michael Petit de Mange, KCC Vice-President

ED05-068.17-03-15.00 104 Washington Dr
ED05-068.17-03-28.00 149 Hazel Rd
Jackson,Thomas C & Jackson,Charles Terry



N

ACTION FORM

PROCEEDING: Council

DEPARTMENT OF ORIGIN: Parks & Recreation **DATE SUBMITTED**: January 24, 2018

PREPARED BY: Margery Cyr, Library, Parks & Recreation Director

SUBJECT: Evaluation of Proposals – Dover Park Master Plan

REFERENCE: N/A

RELATED PROJECT: N/A

APPROVALS: City Manager and Controller

EXPENDITURE REQUIRED: $45,000 **AMOUNT BUDGETED**: $50,000

FUNDING SOURCE (Dept./Page in CIP & Budget): City funding is provided through the Parkland Reserve. Project #: PR1701 / Dover Park Master Plan account #147-1500-525 (40.31) and Grant Funding from the Outdoor Recreation, Parks & Trails program thru Delaware Dept. of Natural Resources, State Parks Division.

TIMETABLE: Begin work on Master Plan now with anticipated completion date of July 2018.

RECOMMENDED ACTION: Staff recommends awarding Whitman Requardt & Associates, LLP the contract for Dover Park Master Planning Services.

BACKGROUND AND ANALYSIS

Dover Park revitizilzation has become one of the top priorities for the Parks & Recreation Department. Based on constituent feedback and council direction, we have begun the process of developing a Master Plan for Dover Park.

In the fall of 2017, the Parks & Recreation Department applied for and recevied a grant from the Delaware Department of Natural Resources, Outdoor Recreation, Parks & Trails (ORPT) program for the amount of $30,000.00. This is a matching grant, and the City must provide $15,000 in cash and $15,000 in accordance with the grant guidelines. Funding from this grant with City match will cover the cost of this contract.

The Master Plan will address the allocation among competing uses of spaces within the Park, vegetation management, access to existing athletic facilities and park areas, lighting, current paved trail issues offering relief to those who actively use the park for running/jogging, biking, etc., and an assessment of appropriate facilities, such as indoor restrooms, paved looped trail, splash pad, skate park, and indoor recreational facility. The final Master Plan will provide the City and community a practical and illustrative plan for incrementally and sustainable developing safe and inviting passive and active recreation spaces that serve Dover residents as well as continue to provide for regional visitors.

The Parks & Recreation Department solicited "Requests for Proposals" for a Dover Park Master Planning services under 18-0017PR. A total of four (4) proposals were received. The proposals were evaluated for

Experience with similar projects and history of achieving the highest and best results,
Program Management and project organization including staffing, management control, and subcontractor utilization,
Staff qualifications and utilization of the firm's employees assigned to the provision of these services, including previous work experience, technical management experience and eduation/training,
Costs for a lump sum of service,
Location to Dover.

This chart reflects the overall score each firm received from the city staff review panel. Whitman, Requardt & Associates, LLP was ranked the highest and is the recommended vendor of the four proposals recevied.

Vendor	Location	Bid Amount	Evaluated Score
Landscape Architectural Services	Felton	$43,885.00	345
Davis, Bowen, Friedel	Milford	$134,500.00	239
Remington & Vernick	Newark	$153,980.00	248
Whitman, Requardt & Assoc.	**Wilmington**	**$45,000.00**	**363**

ACTION FORM

PROCEEDING: Parks, Recreation & Community Enhancement Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 2/23/18
PREPARED BY: David S. Hugg III, Director of Planning & Community Development
SUBJECT: Final Update – Non-Conforming Uses
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: 2016-2017 Sunsetting of Nonconforming Uses in Dover, Delaware: Final Report
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: N/A
RECOMMENDED ACTIONS: Accept the Final Report for the Nonconforming Use Project

BACKGROUND

In December 2015, Dover City Council (through the Parks, Recreation, & Community Enhancement Committee) directed the Department of Planning & Inspections to begin enforcing the provisions of the City's *Zoning Ordinance,* Article 7 §1.53, related to the "sunsetting" of nonconforming uses. The Planning Office began the *2016-2017 Sunsetting of Nonconforming Uses* project in order to fulfill this directive. The project began with a citywide inventory of nonconforming uses in residential zones, and resulted in a number of nonconforming properties being rezoned or taking other action to comply with the *Zoning Ordinance.* One noncompliant property was also actually sunsetted.

An update on the project was provided to the Parks, Recreation, & Community Enhancement Committee on July 29, 2016. At that point the survey had been half completed and the first set of notices to owners of nonconforming properties was ready for mailing. This second update includes a Final Report on the project, which details the process established to identify nonconforming uses, the different kinds of action taken to bring them into compliance, and the 14 specific nonresidential nonconforming use cases addressed by the Planning Office.

There are two remaining tasks related to nonconforming uses that must still be undertaken, as detailed in the "Action Deferred" section of the Report. One is to mail notice to the owners of currently vacant residential nonconforming properties that their uses must transition to a conforming use before being reoccupied. The other is to monitor occupied residential nonconforming properties so they can be sunsetted when they become vacant.

Neither of these two tasks involve specific deadlines for either the Planning Office or affected property owners; enforcement will only be taken when an owner attempts to provide new occupants for a property, which may be years in the future. Therefore, Planning Staff does not believe a follow-up update or report on these tasks is necessary. The Committee may still request one, but Staff recommendation is that the Committee accept the Final Report and authorize closeout of the *2016-2017 Sunsetting of Nonconforming Uses* project proper.

2016-2017 Sunsetting of Nonconforming Uses in Dover, Delaware: Final Report

Project #MI-16-13

December 27, 2017

Project Overview

In December 2015, Dover City Council directed the City's Department of Planning & Inspections to begin enforcing the provisions of the City's *Zoning Ordinance*, Article 7 §1.53, related to the "sunsetting" of nonconforming uses. Article 7 §1.53 reads as follows:

> In any residence zone, any non-conforming use of buildings which is not permitted under the provisions of this ordinance may be continued for a period of:
>
> a) Twenty years after the effective date of this ordinance, or
> b) Forty years after the initial construction of the building containing such use or of any addition thereto adding 50 percent or more to the floor area occupied by such use,
>
> Whichever is the longer period, provided that, after the expiration of that period, such nonconforming use shall be terminated. However, no such nonconforming use shall be permitted to continue for a period exceeding two years, unless such use shall be operated in conformance with performance standards established in article 5, section 8.

The effective date of the current *Zoning Ordinance* is April 21, 1975. Therefore, at the time of City Council's direction, sufficient time had passed that most nonconforming uses in the City's residence zones would have to be discontinued (sunsetted) or brought into compliance with the *Zoning Ordinance*. The Department's Planning Office embarked on a project to find all of the affected nonconforming uses in the City, determine which ones would presently need to be discontinued or brought into compliance, and finally, enforce appropriate action upon the nonconforming uses.

Process to Identify Nonconforming Uses Needing Action

In order to begin enforcing the provisions of Article 7, §1.53, the Department had to first identify all nonconforming uses currently within the City's residential zones. The Planning Office conducted a citywide survey of Dover's residential zones during the Summer and Fall of 2016, driving throughout the City and inputting all parcels observed to contain a nonconforming use on them into a GIS database. The use of all parcels could not be determined with 100% certainty, so parcels suspected of having a nonconforming use were also input. In total, 4,333 residential parcels were surveyed. The results of the survey are below:

PARCELS WITH A NONCONFORMING USE OR A SUSPECTED NONCONFORMING USE	
Quantity	Description of Use
153	Two-family and multi-family dwellings, including one-family residences converted to apartments and purpose-built duplexes on single lots
7	Manufactured homes and mobile homes
8	Office, retail, and other business uses
6	Non-accessory parking lots and unpermitted vehicle storage uses
3	Non-accessory storage buildings
3	Membership clubs open to the public
1*	Cemetery
181	**TOTAL**

* Does not include a second unmarked cemetery found after the initial survey

As the nonconforming uses were found, the Planning Office acted to determine which nonconforming uses needed immediate action, which could have action deferred, and which due to extenuating circumstances did not need action.

***No action*:** Four (4) nonconforming uses were found to have extenuating circumstances exempting them from needing action. The first was a membership club open to the public at 200 Saulsbury Road; though this membership club, by virtue of being open to the public, is currently a nonconforming use, it was originally approved by the Planning Commission in 2003, so the 40 years in which it is permitted to operate have not expired. The second was a storage building at 100 Fox Hall Drive; similarly, the property was annexed into the City less than 40 years ago, and therefore it cannot be considered to have held a nonconforming use longer than that time. The third was the first of two cemeteries found in a residential zone. The Planning Office determined that cemeteries could not be sunsetted due to the nature of the use (the internments could not easily be moved). Finally, the fourth was a four-car garage at 1125 East Division Street. The Planning Office determined that this structure was a nonconforming building rather than a nonconforming use, and therefore Article 7 §1.53 did not apply to it.

Action deferred: The majority of the nonconforming uses can have action deferred. Deferral is needed in order to avoid overwhelming City Council and the Board of Adjustment with requests for rezonings, variances, or other measures to avoid sunsetting. The Planning Office determined that deferral could apply to all of the nonconforming uses in residential zones that were themselves residential. These are the 153 two-family and multi-family dwellings as well as the seven (7) mobile homes and manufactured homes. Deferral means that these uses will be sunsetted as soon as they discontinue on their own, i.e. become completely vacant. The Planning Office will send notice to those that are already vacant that they will need to be changed to a conforming use before they can be reoccupied. Normally, according to *Zoning Ordinance,* Article 7 §1.13, if a nonconforming use is discontinued by the owner it can be reestablished if the use is resumed within one year.

Immediate action: After those nonconforming uses needing no action and those that could have action deferred, the remaining uses were those needing immediate action. All of these were either non-residential uses found within residential zones, or properties suspected but not confirmed to hold the same. The latter needed investigation to determine if a nonconforming use did in fact exist. The uses and suspected uses needing immediate action included the eight (8) office, retail, and other business uses; five (5) of the six non-accessory parking lots and unpermitted vehicle storage uses; two (2) of the three non-accessory storage buildings; and two (2) of the three membership clubs open to the public. Because some of these were co-located and under the same owner, these seventeen (17) nonconforming uses were consolidated into fourteen (14) cases for individual action.

A map of all 181 of the initially identified nonconforming uses found is included with this Report. On the map the City's residential zones are colored light yellow, and all parcels containing nonconforming uses (or a suspected one) are marked in red. Nonresidential nonconforming uses are additionally marked with stars, with the color of the star indicating the action taken.

<u>Actions Taken on Individual Nonconforming Use Cases</u>

For each of the 14 cases needing individual action, Planning Staff first reached out via written notification to the affected property owners to tell them that their properties held (or were suspected of holding) nonconforming uses, and that these uses would have to be sunsetted or otherwise brought into compliance with the *Zoning Ordinance*. Two sets of letters were sent out, one on August 24, 2016, when the GIS survey was about half done, and one on February 24, 2017, when the survey was fully done. The letters gave deadlines for compliance after which the nonconforming uses would automatically be sunsetted. The letters also offered Planning Office assistance in achieving compliance so sunsetting could be avoided. A sample letter is attached to this report.

All of the affected property owners responded to the letters. Each owner either claimed that their property already complied, or sought a method to achieve compliance. Of the 14 property owners, eight (8) sought, and eventually achieved, a method of compliance. Five (5) claimed they already complied, and were able to provide evidence of this; through their cooperation the Planning Office determined that the previously-suspected nonconforming uses did not exist. One (1) claimed compliance but was found to be noncompliant. This was the Elks Lodge at 217 North Kirkwood Street, which claimed to be a membership club open only to members and their guests (a conditional use), but was later found to be in fact open to the public as well, making it a nonconforming use. The Elks Lodge at 217 North Kirkwood Street was the only use ultimately sunsetted by the City's *2016-2017 Sunsetting of Nonconforming Uses* project.

Details on actions taken for each of the 14 nonconforming use cases are below:

Nonconforming Uses Brought into Compliance

1) ***11 North Queen Street*** **(Project #MI-16-13A)**
   This property holds an automobile repair garage which is part of a business called "Delaware Auto Service." Most of the business is on parcels zoned C-1A (Limited Commercial Zone), but the rear garage was on a parcel zoned RG-1 (General Residence Zone). On February 13, 2017, City Council rezoned 11 North Queen Street to C-3 (Service Commercial Zone), where automobile service is a permitted use (Rezoning App. #Z-17-02, Ord. #2016-30). The property was not rezoned to C-1A because automobile service is not permitted in C-1A; if the property had been so rezoned, the garage would have still been a nonconforming use, albeit not one in a zone subject to sunsetting.

2) ***51 Roosevelt Avenue*** **(Project #MI-16-13C)**
   This property holds a hair salon known as "Cuts-R-Us." The property was previously zoned R-8 (One-Family Residence Zone). On November 14, 2016, City Council rezoned the property to C-1 (Neighborhood Commercial Zone), where personal services such as hair salons are a permitted use (Rezoning App. #Z-16-05, Ord. #2016-20).

3) ***109 Lotus Street*** **(Project #MI-16-13D)**
   This property, located in the R-8 Zone, held a parking lot which serves St. John's Lutheran Church at 105 Lotus Street. Because the parking lot was the principal (non-accessory) use on the parcel, it was not permitted in the R-8 Zone. In order for the parking lot to achieve compliance, the parcel was consolidated with the main church parcel. This turned the parking lot from a principal use on its own lot into an accessory use on the church lot. Parking lots are permitted as accessory uses in all zones. The Parcel Consolidation Plan (Project #MI-16-14) received Final Approval from the Planning Office on October 6, 2016.

4) ***301 North Bradford Street*** **(Project #MI-16-13G)**
   This property holds a grocery store known as "The Grocery Basket." The property was previously zoned RG-1. On February 13, 2017, City Council rezoned the property to C-1 (Neighborhood Commercial Zone), where retail uses such as grocery stores are a permitted use (Rezoning App. #Z-17-01, Ord. #2016-29).

5) ***Parking Lot associated with 911 South Governors Avenue*** **(Project #MI-16-13I)**
   This unaddressed property holds a parking lot which serves the Capital Grange at 911 South Governors Avenue. The Property was previously zoned R-8. On December 12, 2016, City Council rezoned the property to RG-1, where non-accessory parking lots are a permitted conditional use (Rezoning App. #Z-16-06, Ord. #2016-23).

6) ***1412 & 1416 College Road*** **(Project #MI-16-13K)**
These properties, previously zoned R-8, held two nonconforming uses. At 1412 College Road is a Masonic Lodge, a membership club open to the public. At 1416 College Road is a non-accessory parking lot serving the Masonic Lodge. On June 12, 2017, City Council rezoned these two parcels along with 1408 College Road (a vacant lot belonging to the Lodge) to the IO (Institutional and Office) Zone (Rezoning App. #Z-17-03, Ord. #2017-05). In this zone institutional uses such as membership clubs are permitted, and the parking lot, though still nonconforming, is no longer in a zone subject to sunsetting. 1412 College Road was originally targeted for the IO Zone through the *2008 Comprehensive Plan's* Land Development Plan, which specified "institutional" land use for the property. A Minor Variation from the Land Development Plan was approved by the Office of State Planning Coordination to allow 1416 and 1408 College Road into the IO Zone as well.

7) ***20 & 28 Spruance Road*** **(Project #MI-16-13M)**
These properties, located in the RG-1 Zone, together form one parking lot used for parking school buses. The RG-1 Zone conditionally permits non-accessory parking lots, but the Planning Office found that a private lot for parking oversize commercial vehicles would be considered a kind of vehicle storage use rather than an ordinary parking lot. This property was not eligible for rezoning due to the *2008 Comprehensive Plan's* Land Development Plan specifying "Residential Medium Density" land use classification for the property. No zones allowed under this land use classification would also permit vehicle storage. Therefore, the Planning Office determined the only way to permit the use would be through a Use Variance approved by the Board of Adjustment. The property owner applied for a variance, and received it on July 19, 2017 (BOA Case #V-17-13).

8) ***826 Forest Street*** **(Project #MI-16-13N)**
This property holds a liquor store known as "E&J West Dover Liquors." The property was previously zoned RG-1 and subject to the COZ (Corridor Overlay Zone). On September 25, 2017, City Council rezoned the property to C-1A, where retail stores such as liquor stores are a permitted use (Rezoning App. #Z-17-04, Ord. #2017-10). The COZ-1 overlay was left in place. The property was not rezoned to C-1 (the zone of the parcels next door) as liquor stores are specifically prohibited in that zone.

Uses Found to be Already Compliant

1) ***15 Park Drive & 49 East Division Street*** **(Project #MI-16-13B)**
These two properties, zoned R-10 (One Family Residence Zone), hold a residence which doubles as the office of "Peter A. Oldziey and Associates," a financial planning firm. It was initially uncertain whether there was any residential use on these properties, and if there was, whether the office use was limited enough to be an Accessory Professional Office permitted under the zoning. Conversation with the owner established that he did live in the building. Additionally, the Planning Office found a Board of Adjustment case dated August 17, 2000 (BOA Case #12-00) which permitted the owner to have a larger (in terms of number of employees) Accessory Professional Office than ordinarily allowed under the zoning.

2) ***200 North New Street*** **(Project #MI-16-13E)**
This property, zoned RG-1, holds one building with a number of apartment units. In the past there was a commercial unit on the ground floor, and due to the storefront windows on this unit as well as other residual evidence of commercial activity, Planning Staff initially believed a retail use might still be active. Conversation with the owner established this was not the case, and an annual housing inspection in October 2016 confirmed there was no retail present. The apartment units are still considered nonconforming for the RG-1 Zone, but they are in the "action deferred" category.

3) ***345 West Reed Street*** **(Project #MI-16-13H)**
This property, zoned RG-1, was initially believed to hold a shed serving the residence at 305 West Reed Street. Storage buildings such as sheds are a permitted accessory use in the RG-1 Zone, but are not a permitted principal (non-accessory) use. The building was considered a principal use because it was on its own parcel. However, conversation with the owner of the two properties established that the building was a garage, not a shed. A closer investigation of the building revealed that the building had a car-sized door facing Reed Street as well as an adjacent curb cut, confirming the owner's assertion. Non-accessory off-street parking is a permitted conditional use in the RG-1 Zone.

4) ***2110 White Oak Road*** **(Project #MI-16-13J)**
This property, zoned R-20 (One Family Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 2 Primary Wellhead Protection Area), was initially believed to hold some kind of business use due to the large number of outbuildings on the property. However, conversation with the owner established that the use of the property was solely residential. The owner provided several photographs of the interiors of the outbuildings, showing that they were only garages and sheds.

5) ***Shed associated with 25 Jerusalem Way*** **(Project #MI-16-13L)**
This unaddressed property, zoned RG-1 and subject to the Historic District and SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area), is owned by the adjacent New Jerusalem Baptist Church at 25 Jerusalem Way. The shed on this property was initially believed to be the property's principal use. However, conversation with the church's pastor revealed that there was an unmarked cemetery on the property. This made the cemetery the principal use, and the shed a proper accessory use. While cemeteries are not permitted in the RG-1 Zone, making the cemetery still nonconforming, the Planning Office previously determined that cemeteries could not be sunsetted due to the nature of the use. This exception was applied to both the marked cemetery previously found and the unmarked one at this property.

Nonconforming Uses Sunsetted

1) ***217 North Kirkwood Street*** **(Project #MI-16-13F)**
This property zoned RG-1 previously held the Pride of Dover Elks Lodge, considered a membership club open to the public. Planning Staff met with representatives from the Lodge, who claimed that the membership club was open only to members and their guests. If this was true, then the club would have been considered a permitted conditional use. However, on December 11, 2016, undercover agents of the State Division of Alcohol and Tobacco Enforcement gained entry into the club and purchased alcohol without being sponsored by a club member. This showed that the club was in fact open to the public and therefore nonconforming. No attempt to bring the use into compliance was made before December 31, 2016, the deadline for sunsetting established by the notification letter sent on August 24, 2016. Therefore, on January 11, 2017, the Planning Office sent a letter to the Lodge ordering them to cease operations. A follow-up letter from the State Office of the Alcoholic Beverage Control Commissioner revoked the Lodge's liquor license in response to the Planning Office's letter. At the time of this Report the nonconforming use has ceased. However, a Conditional Use application has been made to the Planning Commission (C-17-06) to reestablish the Lodge as a membership club open only to members and their guests.

Nonconforming Uses Found Summer and Fall 2016

Date Created: 1/11/2018

File Number: MI-16-13

Legend

- Dover Boundary
- Residential Zones
- Nonconforming Uses

Nonresidential Nonconforming Uses:

- No Action Needed
- Found to be Compliant
- Brought into Compliance
- Sunsetted

N

0 0.25 0.5 1 1.5 2 Miles

ACTION FORM

PROCEEDING: Council Committee of the Whole – Utility Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: 02-06-18
PREPARED BY: Donna Mitchell, City Manager
SUBJECT: Evaluation of Proposal – Electric Utility Management & Benchmarking Assessment
REFERENCE: RFP #18-0016CM
RELATED PROJECT: Integrated Resource Plan – Presentation Approved 6/13/16 & Electric Cost of Service & Rate Design Study approved 11/27/17
APPROVALS: City Manager, Controller Treasurer
EXHIBITS: Proposal Cover Letters for Avant Energy, Inc. and Burns & McDonnell
EXPENDITURE REQUIRED: $95,000 **BUDGET REMAINING**: $54,700
FUNDING SOURCE (Dept./Page in CIP & Budget): FY18 Proposed Budget, page 91.
TIME TABLE: To be completed by May 31, 2018 upon Council approval on February 26, 2018
RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Avant Energy for an Electric Utility Management & Benchmarking Assessment.

BACKGROUND AND ANALYSIS

Council approved as recommended by the Utility Committee an Electric Utility Management and Benchmarking Assessment for the City of Dover Electric Utility on April 10, 2017. The FY18 Budget included $100,000 for both the Electric Cost of Service & Rate Design and the Electric Utility Management and Benchmarking Assessment. As provided above the Cost of Service & Rate Design Study was approved on 11/27/17. That study is underway now and expected to be presented in March, 2018.

On September 22, 2017, RFP #18-0011CM was issued for an Utility Management & Benchmarking Assessment, Financial Risk Assessment, and Evaluation of Alternative Proposals. The City received one response on November 13, 2017 and decided the scope was too broad to attract additional proposals. On December 12, 2017, a revised scope RFP #18-0016CM was issued for an Utility Management & Benchmarking Assessment.

The City received two responses to the Request for Proposals on January 24, 2018. They are as follows –

Avant Energy, Inc.	$95,000
Burns & McDonnell	$199,500

Burns & McDonnell has experience with the City of Dover, both in providing Cost of Service Studies and the Annual Engineer's Report. Burns & McDonnell has knowledge of our utility and has provided excellent service in the past. However, to get a fresh perspective from an outside point of view, as well as the expertise of a firm that operates Electric Utilities, it is staff's recommendation to award the contract to Avant Energy. A budget amendment will be necessary to provide the funding not available in the remaining budget of $54,700. Realized savings in power supply cost for FY18 will be transferred to the contractual services line item for the assessment.

Attached are the Cover Letters from each proposal.

AVANT ENERGY

220 South Sixth Street
Suite 1300
Minneapolis, MN 55402

TEL 612.349.6868
FAX 612.349.6108
WEB AVANTENERGY.COM

January 24, 2018

Via E-mail
Mr. Barry Wolfgang
Acting Contract and Procurement Manager
City of Dover

Dear Mr. Wolfgang:

On behalf of Avant Energy, Inc., I am pleased to present our proposal for Electric Utility Management and Benchmarking Assessment services to the City of Dover.

Avant has both utility consulting and hands-on operating experience. We have worked with municipal utilities of all sizes across the country on utility management, consulting, and development engagements. Avant manages two different power agencies compromised of 15 member municipal utilities. This combination of hands-on utility management and operations as well as municipal utility consulting experience makes Avant uniquely qualified to conduct electric utility management and benchmarking assessment services for the City of Dover.

Avant brings a senior team of utility professionals to Dover. In addition to the strength of Avant as a firm, the engagement team proposed to work for Dover has many years of experience in the specific areas of interest to Dover - human resources and organizational management, utility management, financial analysis and budgeting, power plant operations, and energy markets. Our six-person team consists of senior utility professionals with more than 120 years of combined experience working in a diverse set of roles both for municipal utilities and as consultants. Avant would utilize these experts' knowledge efficiently and effectively to perform the electric utility management and benchmarking assessment for Dover.

Avant is skilled at evaluating complex and strategic issues for municipal utility clients. The electric utility industry is complex and rapidly evolving. Changes in technology are driving changes in customer preferences and expectations. Regulation of electric markets at both the federal and local levels is shifting. Market constructs within wholesale electric markets such as PJM are frequently changing. Avant excels at helping navigate utility clients through this shifting landscape and addressing the strategic issues that position municipal utilities for long-term success. At the same time, we recognize that utilities sometimes face difficult decisions, such as whether to sell a municipal utility. Avant is skilled at helping clients evaluate complex alternatives that have financial, operational, and political implications.

Avant is dedicated to creating value for Dover. At Avant, we believe that "better is possible." We constantly work to better understand, make better decisions, and achieve better results for our clients. Avant's electric utility management and benchmarking assessment process would be collaborative with the City so that our recommendations

would be based on what is best for Dover. As an independent municipal utility advisor, we are not tied to one solution. Our focus is on creating value for our clients.

I stand behind Avant's ability to reliably deliver this work and Avant's commitment to fulfill all requirements of the RFP. Our team is prepared to begin work immediately and commits to finishing the scope of work outlined in the RFP on time. We look forward to discussing Avant's qualifications and experience further with Dover.

Very truly yours,
Avant Energy, Inc.



David W. Niles
Vice President

Enclosures

BURNS McDONNELL

January 24, 2018

Peter Gregg
Contract and Procurement Manager
City of Dover
710 William Street
Dover, DE 19904

Re: Proposal for Electric Utility Management & Benchmarking Assessment | RFP #: 18-0016CM

Dear Mr. Gregg:

The City of Dover, Delaware (the City) has requested information from qualified consultants to analyze existing organizational structures, functions and operational efficiencies of all utility departments. We'll also develop recommendations for an effective and efficient organizational structure to help the City easily adapt for the future. Burns & McDonnell has substantial experience performing organizational and benchmarking assessments for our clients. The proposed project manager, Ted Kelly, has provided similar services to municipal utilities across the country for over 35 years. The assistant project manager, Ben Church, has provided utility management and assessment studies for various utilities across the country. Burns & McDonnell is prepared to begin work on the project upon notice to proceed and complete the report to meet the schedule requirements of the City.

Burns & McDonnell has been honored to serve as a trusted business advisor to utilities across the United States with rate, financial and operational consulting services. We specialize in providing engineering, operations, financial and management consulting services to utilities. With over 5,700 employee-owners, consisting of experts from all engineering disciplines and business functions, Burns & McDonnell offers a comprehensive package of experience and skills for performing the desired services.

Why the City should partner with Burns & McDonnell:

- **A Fresh Perspective.** We will bring energy and ideas to the table with the benefit of a fresh mindset and collaborative approach.
- **An Experienced Partner.** Our staff available to work on this important engagement have a long history of providing exceptional customer service and have years of national experience in financial and operational consulting services.
- **An Outstanding Firm.** Our project team is backed by an employee-owned, financially strong, safety-oriented and nationally recognized company. In fact, Burns & McDonnell is the only ENR Top 100 Firm to be awarded PSMJ's Premier Award for Customer Service.

We look forward to again working with you on this exciting and important project and are highly motivated to continue working with the City. If you have any questions, please contact Ted Kelly at 816-822-3208 or tkelly@burnsmcd.com.

Sincerely,
BURNS & McDONNELL

Chris Underwood
General Manager

Ted Kelly, MBA, ENV SP
Senior Project Manager

9400 Ward Parkway \ Kansas City, MO 64114
O 816-333-9400 \ F 816-822-3027 \ burnsmcd.com

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 1/24/18
PREPARED BY: David S. Hugg III, Director of Planning & Community Development
SUBJECT: Revisions to *Dover Code of Ordinances,* Chapter 66- Manufactured Homes, Mobile Homes, and Land Lease Communities; to *Zoning Ordinance,* Article 3, Section 8- Manufactured Housing (MH) Zone; and to *Zoning Ordinance,* Article 12- Definitions
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: Sponsored by Fred Neil and Dave Hugg
EXHIBITS: Proposed ordinance updates
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Proposed adoption by Council at April 9, 2018 meeting
RECOMMENDED ACTIONS: Adoption of the proposed ordinance

BACKGROUND

In August 2016, Dover City Council adopted Ordinance #2016-16, making changes to the above referenced sections of the *Dover Code of Ordinances* and the *Zoning Ordinance* as well as several other sections of the *Dover Code of Ordinances*. The purpose of these changes was to update standards and terminology throughout the code related to manufactured homes, and additionally to implement standards for management and maintenance of land lease communities.

The purpose of this second update is to provide clarification on the previously implemented standards by adding additional provisions on procedures and code enforcement. This update also significantly reorganizes Chapter 66 for a more logical grouping of the provisions, while keeping the content and intent of the previous update. Finally, this update also makes minor changes to the *Zoning Ordinance* to ensure that single-lot manufactured home communities do not mix manufactured homes that are and are not permanently placed. This is in order to simplify the City's taxation of these communities, as movable manufactured homes are not taxed while permanently placed ones are taxed.

The following synopsis may be used in describing the project:

The proposed ordinance reorganizes and clarifies a portion of the updates to the Dover Code made in August 2016 through Ordinance #2016-16. The proposed ordinance also brings the updates into compliance with provisions of the Delaware Code related to manufactured housing and rental housing, particularly Title 25, Chapters 53, 55, 70, and 71. The updates affected include requirements for placing and licensing manufactured homes, standards for management and maintenance of land lease communities, taxation, and code enforcement. A distinction is also made between manufactured homes and permanently placed manufactured homes in the Zoning Ordinance.

Re-update of Manufactured Home Ordinance

Version 12, 1-18-18

Chapter 66 - MANUFACTURED HOMES, MOBILE HOMES, AND LAND LEASE COMMUNITIES

Sec. 66-1. – Purpose Statement.

The City of Dover recognizes that manufactured homes are a unique housing type with their own history of placement and ownership traditions arising from their origins as mobile homes. A modern manufactured home does not resemble a vehicle, and once placed is rarely moved. However, most manufactured homes are owned as if they were vehicles, separate from the land they are placed on, and may theoretically be moved at any time. Because of this the city recognizes that consistent standards are needed for placement, licensing, and tracking of manufactured homes, in order to ensure the homes' orderly movement into, out of, and around the city.

The city further recognizes that land lease communities, which may give ground lease to manufactured homes or other types of housing, typify a use of land which does not align perfectly with either apartments or residential subdivisions. Because of this, areas of responsibility on the part of residents, owners, and the city with regard to maintenance, communication, and taxation can be unclear without the adoption of consistent standards governing these areas of responsibility. The city recognizes that where responsibility is not clearly claimed detrimental conditions can arise for residents.

This chapter therefore lays out the consistent standards needed for manufactured homes and land lease communities, while updating and consolidating earlier regulations regarding mobile homes and mobile home parks. The standards are intended to be applicable to all land lease communities currently in the city or which may be established in the future. They are also intended to cover both manufactured homes and permanently placed manufactured homes, and the issues unique to each.

Sec. ~~66-1.~~ **66-2** - Definitions.

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

Land lease community means a residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Land lease community owner **means the owner of the underlying fee interest in the land where a land lease community is sited.**

Land lease community operator **means any person designated by contractual arrangement with the land lease community owner to supervise or maintain a land lease community and interact with its residents.**

Manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity

of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."

Mobile home means a factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Owner of a manufactured home or *mobile home* means the person designated in the vehicle title of the manufactured home or mobile home, whether the title is issued by this state or by some other state.

Owner of a permanently placed manufactured home means the person designated in the vehicle or real property title of the permanently placed manufactured home, whether the title is issued by this state or by some other state.

Permanently placed manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.

(Ord. of 2-23-1970, § 2; Code 1981, § 12-1; Ord. of 11-10-1986, § 1; Ord. No. 2016-16 , 8-8-2016)

Sec. ~~66-2~~. 66-3 ~~- Licenses.~~ **Manufactured and mobile homes.**

(a) *Placement permit.* Every owner of a manufactured home shall apply for and obtain from the city planner or his/her authorized agent a placement permit for such manufactured home prior to placement of the home within the city. The owner of the manufactured home shall pay a fee for such permit as provided for in Appendix F-Fees and Fines. No certificate of occupancy shall be issued for a newly placed manufactured home that has not also been issued a placement permit.

(b) *Inspection.* Prior to the issuance of a certificate of occupancy for any manufactured home, the home shall pass inspection by the building inspector. The owner of the manufactured home shall cause the home to be firmly attached to the ground by means of a permanent foundation or anchors, and cause any open space beneath the unit to be skirted or enclosed with material approved by the building inspector.

(c) *License.* The owner of any mobile home or manufactured home that is not placed on a permanent foundation shall obtain an annual license for it. The owner of the mobile home or manufactured home shall pay an annual fee for such license as provided for in Appendix F-Fees and Fines. If such manufactured home is newly moved into the city, the owner of the manufactured home shall obtain the license and shall pay the license fee within seven days of issuance of a certificate of occupancy for the home. Payment of the license fee shall be prorated on a quarterly basis for each fractional part of a year during which the manufactured home is in the city.

(d) *Conditions for license.* No license for a new manufactured home shall be issued until the home has passed inspection and received a certificate of occupancy as required by this section.

(e) *Moving within or out of city.* When the owner of a mobile home or manufactured home removes the home from its current site or lot, the owner shall obtain a demolition permit for the removal.

(f) *Use of city utilities.* Owners of all types of manufactured homes shall coordinate with city departments during the permitting and licensing process regarding the appropriate times to transfer responsibility for utilities and activate service.

~~(a) *Required fee.* The owner of a mobile home or manufactured home that is not to be permanently placed shall obtain an annual license for it and shall pay a fee for such license as provided for in Appendix F—Fees and Fines.~~

~~(b) *Payment; penalties* . Such license shall be obtained and the license fee paid by August 1 of each year and if such fee is not paid before September 1 of such year, then, in addition to any penalty incurred pursuant to Appendix F—Fees and Fines, a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee.~~

~~(c) *Moving into city* . Upon the moving of a manufactured home into the city, if the manufactured home requires a license it shall be obtained and the license fee paid the within seven days. Payment of such license fee shall be prorated on a quarterly basis for each fractional part of a year during which the manufactured home is in the city.~~

~~(d) *Required fee for landowners* . The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26—Businesses.~~

(Ord. of 2-23-1970, § 2; Ord. of 5-24-1976; Ord. of 3-27-1980; Code 1981, § 12-2; Ord. of 8-8-1988; Ord. of 3-22-1993; Ord. No. 2009-09, 6-22-2009; Ord. No. 2016-16 , 8-8-2016)

~~**Sec. 66-3. Real property taxes.**~~

~~(a) A permanently placed manufactured home as defined in section 66-1, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter.~~

(Code 1981, § 12-2.1; Ord. of 11-10-1986, § 2; Ord. No. 2016-16 , 8-8-2016)

~~**Sec. 66-4. Placement permit.**~~

~~Every owner of a manufactured home, shall apply for and obtain from the city planner or his/her authorized agent a placement permit for such manufactured home. The city planner or his/her authorized agent shall issue no placement permit until the license fee required in this chapter is paid in full.~~

(Ord. of 2-23-1970, §§ 3, 6; Ord. of 5-24-1976; Code 1981, § 12-3; Ord. No. 2016-16 , 8-8-2016)

Sec. ~~66-5.~~ **66-4.**- ~~**Duties of land lease community owners and operators.**~~ **Land lease communities.**

(a) The following regulations shall apply to ~~**owners and operators of all land lease communities:**~~ **the maintenance of land lease communities:**

i. *Private road access.* It shall be the responsibility of land lease community owners ~~**and operators**~~ to maintain all private streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes so as to be clear from obstructions, including but not limited to potholes, snow piles, and debris.

ii. *Debris clearance.* It shall be the responsibility of land lease community owners ~~**and operators**~~ to ensure that all facilities and common areas within the community are kept in good repair and maintained in such a manner as to prevent the accumulation of materials which could cause a fire hazard or would cause insect or rodent breeding and harborage.

iii. *Landscaping.* All trees, shrubbery, lawns, and other landscaping features within the community shall be maintained by the land lease community ~~**operator**~~ **owner** to be in healthy condition at all times.

iv. *Utilities.* All **private** water, sewer, electric, and gas lines and connections intended to serve common areas or the private property of tenants within the community shall be kept in good repair at all times by the land lease community ~~**operator**~~ **owner**. Stormwater management facilities shall be maintained so as to be free of blockage and to prevent the accumulation of standing water **that does not dissipate within 48 hours, except in facilities approved for retention of water**. Community owners shall coordinate with the City of Dover regarding utility services and equipment.

v. *Delegation of maintenance duties.* Maintenance responsibilities detailed in subsections i. through iv. of Section 66-3(a) may be delegated by the land lease community owner to leaseholders, a land lease community operator, or other parties, provided that the delegated party's specific responsibilities are detailed in an appropriate legal contract. All maintenance responsibilities not delegated shall be retained by the land lease community owner.

(b) The following regulations shall be the reporting, record-keeping, and licensing requirements of land lease communities:

~~**v.**~~**i.** *Office hours.* ~~**The land lease community operator shall be present on site at a minimum during regular business hours, so as to facilitate communication between tenants of the community and the owner, and a 24-hour emergency contact shall be available to residents.**~~ **To facilitate communication between tenants of the community and the owner, the land lease community owner or operator shall be present on site during fixed hours to be communicated to residents and posted at the office. The office hours shall be no less than 20 hours per week and shall not be between the hours of midnight and 7am. A 24-hour emergency contact shall also be available to residents.**

~~**vi.**~~**ii.** *Receipt for lot payment.* The land lease community operator **or operator** shall provide a written receipt or electronic receipt at the time **a cash payment for** rent payment has been made. ~~**regardless of the form of payment.**~~ **If a land lease community owner accepts a form of payment other than cash, the community owner shall, within 2 days, give to the tenant a receipt for that payment. The community owner or operator shall, for a period of 3 years, maintain a record of all cash receipts for rent.**

iii. *Lease record; report.* To assist in keeping city license records and tax records up to date, land lease community owners who lease land to two or more persons for home sites shall maintain a lease record, which shall be open for inspection at all reasonable times by the city planner. Before July 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having homes on his land.

vi. *Required license for landowners*. The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26—Businesses, or direct the land lease community operator to obtain this license. Only one business license shall be required per land lease community. The fee for such license shall be based on the total number of lots or home sites in the community, including both vacant and occupied lots and sites.

~~**(b) The following regulations shall additionally apply to owners and operators of land lease communities leasing land to manufactured homes:**~~

~~**i. *Documents to manufactured home owners.* Copies of this chapter and placement permit application forms shall be furnished to each land lease community owner, who shall give a copy of the same to every manufactured home owner who moves a manufactured home into the community, before the 15th day of the next succeeding month after placement of the manufactured home.**~~

~~**ii. *Enforcement.* It shall be the responsibility of land lease community owners and operators to ensure that all mobile homes and manufactured homes placed on their land maintain a current license under section 66-2.**~~

~~iii. *Lease record; report.* Land lease community owners who lease land to two or more persons for siting manufactured homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city planner. Before June 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having manufactured homes on his land.~~

~~iv. *Sale of home.* Before a home is sold by the homeowner, home owner's estate, foreclosure, eviction or other means, the City of Dover must be notified and all delinquent taxes, fees, or other charges must be paid.~~

~~v. The land lease community owner must notify the City of Dover if the community is placed for sale.~~

~~(c) The following shall be considered appropriate methods of redress if the duties outlined in this section are not fulfilled:~~

~~i. Any land lease community owner found to be in violation of the provisions of this section, regardless of corrective actions taken, shall be assessed a fine as provided for in Appendix F—Fees and Fines. Any such fine shall be in addition to any charges imposed upon the violator in accordance with subsection (c)(ii) below.~~

~~ii. If required, the City of Dover may perform maintenance in the owner's stead following official notice, and place a lien on the property to recover costs, including a 15 percent administrative charge.~~

~~iii. Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26—Businesses, Article II, Section 26-59.~~

Sec. 66-5. - Real property taxes.

A permanently placed manufactured home as defined in section 66-2, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter. Manufactured homes that are not permanently placed shall not be taxed but shall pay the annual license fee required by this chapter in lieu of taxes.

Sec. 66-6. – Enforcement and penalties.

(a) *Licenses and permits.* Enforcement of licensing and permitting requirements shall be as follows:

i. *Obtaining manufactured home licenses.* If the owner of a mobile home or manufactured home not permanently placed fails to obtain or renew the annual license required by this chapter, a fine pursuant to Appendix F-Fees and Fines may be assessed on the owner of the home, if the home has not been removed from the city.

ii. *Obtaining placement permits.* An owner of a manufactured home who places their home without obtaining a placement permit to do so shall have the standard penalties imposed for failure to obtain a building permit as outlined in Chapter 22- Buildings and Building Regulations of the Dover Code.

iii. *Obtaining Land lease community operator business licenses.* A land lease community owner who does not obtain an annual business license as required by this chapter shall have the standard penalties imposed for failure to obtain a business license as outlined in Chapter 26- Businesses of the Dover Code.

(b) ***Land lease community maintenance requirements.*** **Enforcement of community maintenance requirements shall be as follows:**

i. Any land lease community owner found to be in violation of the provisions of Section 66-4(a) may be assessed a fine pursuant to Appendix F-Fees and Fines. If required, the City of Dover may perform maintenance to correct the violation in the owner's stead, and add the cost of maintenance, including a 15 percent administrative charge, to the fine to be assessed.

ii. If a land-lease community owner has via contractual agreement delegated maintenance responsibilities over the portion of the property in violation to the owner of a manufactured home, any fines assessed pursuant to subsections (b)(i) and (b)(ii) above shall be imposed on the owner of the home.

(c) ***Reporting and record-keeping requirements.*** **Enforcement of reporting and record-keeping requirements shall be as follows:**

i. ***Provision of lease records.*** **If the owner of a land-lease community fails to provide a lease record before July 1 of the year, a fine pursuant to Appendix F-Fees and Fines may be assessed on the owner of the land-lease community.**

ii. ***Provision of office hours.*** **The City of Dover may inspect the office of a land lease community, and upon finding that hours are not posted, or a representative is not on site during posted office hours, assess a fine pursuant to Appendix F-Fees and Fines. A finding that a land lease community's 24-hour emergency line is not functioning may also be cause to assess the same fine.**

iii. ***Provision of receipts.*** **If the owner of a manufactured home requests a receipt for payment of rent from a land lease community owner or operator and does not receive one within 2 days, the owner of the manufactured home may ask the City of Dover to request the same. If a receipt is not provided to the city within an additional 7 days, a fine pursuant to Appendix F-Fees and Fines may be assessed on the owner of the land-lease community.**

(d) ***Official notice.*** **As part of any fine assessed pursuant to Section 66-6, the City of Dover shall give official notice to the violator. Policy and procedures for timing of official notices and fines shall be developed by the Planning and Inspections Department.**

(e) ***Provisional order.*** **When cumulative unresolved violations in a land lease community are inimical to the public health, safety and general welfare so as to constitute a nuisance, and the land lease community owner has not taken action to resolve the violations or cause the appropriate parties to resolve the violations, the city may take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26—Businesses, Article II, Sections 26-59 through 26-65.**

(Ord. No. 2016-16 , 8-8-2016)

Editor's note— Ord. No. 2016-16 , adopted August 8, 2016, in effect repealed § 66-5 and enacted a new § 66-5 as set out herein. Former § 66-5 pertained to duties of mobile home park owners and derived from Ord. of 2-23-1970 and the Code of 1981.

~~**Sec. 66-6. - Anchoring and skirting.**~~

~~**Prior to the issuance of a certificate of occupancy for any manufactured home not placed on a permanent foundation, the manufactured home shall be firmly anchored to the ground and the open space beneath the unit shall be skirted with approved material in accordance with the requirements of the building inspector.**~~

(Ord. of 9-13-1976; Code 1981, § 12-5; Ord. No. 2016-16 , 8-8-2016)

~~**Sec. 66-7. - Use of city utilities.**~~

~~**The owner or occupant of any mobile home or manufactured home shall not be entitled to receive city utilities until the license fee required in this chapter is paid in full, and city personnel shall refuse to provide sewage, water and electricity to the mobile home or manufactured home until satisfactory proof is furnished that such license fee has been paid.**~~

(Ord. of 7-28-1975; Code 1981, § 12-6; Ord. No. 2016-16 , 8-8-2016)

Sec. ~~66-8~~. **66-7.**- Exemptions.

This chapter shall not apply to:

(1) *Dealers.* Unoccupied manufactured homes located on a dealer's display lot; or

(2) *Manufactured homes in transit*. Unoccupied manufactured homes temporarily occupying the public right-of-way prior to placement on a lot or home site.

(Ord. of 2-23-1970, § 8; Code 1981, § 12-7; Ord. No. 2016-16 , 8-8-2016)

Appendix F

Chapter 66. - Manufactured Homes, Mobile Homes, and Land Lease Communities

Chapter 66. Manufactured Homes, Mobile Homes, and Land Lease Communities	**Fees and Fines**
Sec. ~~66-2.~~ **66-3** ~~Licenses~~ **Manufactured and mobile homes.**	
Subsec. (a) Required fee **from homeowner**	~~$45.00 each license~~ **$50.00 each one-time placement permit**
Subsec. (c) Required fee from homeowner	**$45.00 each license annually**
~~Subsec. (b) Payment; penalties~~	~~A fine of not less than $50.00 and a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee~~
Sec. ~~66-5~~. **66-6** ~~Duties of Land Lease Community Owners and Operators~~ **Enforcement and penalties**	

~~Subsec. (c)(i) Failure to perform required duties~~ **Subsection (a)(i) Failure to obtain manufactured home license**	~~A fine of not less than $50.00 in addition to any charges imposed to cover cost of maintenance by the City~~ **A fine of not less than $25.00**
Subsect. (b)(i) Failure to fulfill maintenance requirements	**A fine of not less than $25.00 in addition to any charges imposed to cover cost of maintenance by the City**
Subsec. ~~66-5 (c)(ii)~~ **(b)(i)** Cost of maintenance by the city	$75.00 per hour for such work that must be done to render the property in compliance with ~~this article~~ **Chapter 66 Sec. 66-4**, plus a 15% administrative charge
Subsec. (c)(i) Failure to provide lease record	**A fine of not less than $25.00 and a penalty fee of ten percent per month shall accrue for each month the lease record is not provided.**
Subsec. (c)(ii) Failure to provide contact for residents	**A fine of not less than $25.00; the fine may be applied cumulatively or per violation instance**
Subsec. (c)(iii) Failure to provide receipt	**A fine of not less than $25.00; the fine may be applied cumulatively or per violation instance**

Section 8. - Manufactured housing (MH) zone.[2]

8.1 *Uses permitted.* In a manufactured housing zone, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any uses, except the following:

8.11 Manufactured homes on individual lots, held in any type of ownership.

8.12 Multiple manufactured homes on a lot, provided that:

(a) The lot is operated as a condominium**, including but not limited to condominiums formed pursuant to 25 DelCode, Chapter 71**; or

(b) The lot is operated as a land lease community; and

(c) There are at least 15 manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a manufactured home. **There shall be no mixing of manufactured homes and permanently placed manufactured homes on one lot.**

8.13 Permanently placed manufactured homes on individual lots, provided that the home and the lot are under common ownership.

8.14 Multiple permanently placed manufactured homes on a lot, provided that:

(a) The lot is operated as a condominium including but not limited to condominiums formed pursuant to 25 DelCode, Chapter 71; or

(b) The lot is operated as a land lease community; and

(c) There are at least 15 permanently placed manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 permanently placed manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a permanently placed manufactured home. There shall be no mixing of manufactured homes and permanently placed manufactured homes on one lot.

~~**8.13**~~ **8.15** One-family detached homes on individual lots, held in any type of ownership.

8.2 *Conditional uses* . Conditional uses shall be consistent with those conditionally permitted in the one-family residence zones.

8.3 *Accessory uses* . Accessory uses shall be consistent with those permitted in the one-family residence zones, with the following additions and exceptions:

8.31 Management facilities. The following shall be permitted accessory to lots providing home sites for multiple manufactured homes:

(a) Management offices with rooms for the usual office furniture and supplies, limited to one per lot;

(b) Storage space for utility connection supplies in quantity, manufactured home accessories and maintenance materials and equipment;

(c) Laundry facilities equipped with washing machines and dryers;

(d) Community building facilities, including indoor recreation areas;

(e) Commercial establishments consistent with uses permitted in the C-1 neighborhood commercial zone, limited to one such establishment per lot;

(f) One-family detached homes intended for the use of a manager or caretaker, limited to one such dwelling per lot.

8.32 Accessory home occupations. Accessory home occupations shall be permitted consistent with the conditions outlined for home occupations in the one-family residence zones, with the exception that no home occupation shall be permitted if not also permitted by the owner of the lot on which the home is sited.

8.4 *Uses prohibited* . The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22, Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.5 *Minimum occupation length* . No lot or home site within the manufactured housing zone reserved for occupation by a manufactured home shall be leased or occupied for residential use except for periods of 30 consecutive days or more.

8.6 *Land lease communities* . The following regulations shall apply to land lease communities within the MH zone:

8.61 The entire land area occupied by a land lease community, regardless of the number of home sites or individual lots therein, shall be maintained in single ownership, or if in multiple ownership, under the provisions of the laws of the state dealing with unit properties and condominiums.

8.62 *Changes to site plan.* After initial site development plan approval of a land lease community, reapproval for the entire community shall not be required prior to the issuance of building permits for alterations to individual manufactured homes, or their accessory buildings such as storage areas and patios, which, in the judgement of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the individual manufactured home sites or lots leased by an individual family and designed for the convenience and comfort of the individual lessee.

8.7 *Performance Standards* . All uses are subject to performance standards as set forth in article 5, section 8.

8.8 *Site development plan approval* . Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

8.81 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A,"Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities." Where applicable, the approving authority shall be the fire marshal's office.

8.82 No site development plan proposing the siting of a manufactured home outside of a land lease community shall be approved unless the plan shows the manufactured home is to be permanently placed, as defined in the Dover Code of Ordinances, Chapter 66—Manufactured Homes, Mobile Homes, and Land Lease Communities.

8.9 *Maximum density* . The gross residential density in an MH zone shall not exceed six dwelling units per acre.

8.10 *Signs* . Signs shall meet the regulations found in Article 5—Supplementary Regulations, Section 4—Supplementary Sign Regulations.

(Ord. No. 2016-16 , 8-8-2016)

Footnotes:

--- (**2**) ---

Editor's note— Ord. No. 2016-16 , adopted August 8, 2016, in effect, repealed § 8 and enacted a new § 8 as set out herein. Former § 8 pertained to similiar subject matter and derived from Ord. of 10-13-1981; Ord. of 3-20-1983; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-28-2008(2); and Ord. No. 2010-29, adopted January 10, 2011.

ADD THE FOLLOWING DEFINITION TO ARTICLE 12 OF THE ZONING ORDINANCE:

Permanently placed manufactured home **means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.**

SYNOPSIS:

The proposed ordinance reorganizes and clarifies a portion of the updates to the Dover Code made in August 2016 through Ordinance #2016-16. The proposed ordinance also brings the updates into compliance with provisions of the Delaware Code related to manufactured housing and rental housing, particularly Title 25, Chapters 53, 55, 70, and 71. The updates affected include requirements for placing and licensing manufactured homes, standards for management and maintenance of land lease communities, taxation, and code enforcement. A distinction is also made between manufactured homes and permanently placed manufactured homes in the *Zoning Ordinance.*

CITY OF DOVER PROPOSED ORDINANCE #2018-01

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

That Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities

Sec. 66-1. – Purpose Statement.

The City of Dover recognizes that manufactured homes are a unique housing type with their own history of placement and ownership traditions arising from their origins as mobile homes. A modern manufactured home does not resemble a vehicle, and once placed is rarely moved. However, most manufactured homes are owned as if they were vehicles, separate from the land they are placed on, and may theoretically be moved at any time. Because of this the city recognizes that consistent standards are needed for placement, licensing, and tracking of manufactured homes, in order to ensure the homes' orderly movement into, out of, and around the city.

The city further recognizes that land lease communities, which may give ground lease to manufactured homes or other types of housing, typify a use of land which does not align perfectly with either apartments or residential subdivisions. Because of this, areas of responsibility on the part of residents, owners, and the city with regard to maintenance, communication, and taxation can be unclear without the adoption of consistent standards governing these areas of responsibility. The city recognizes that where responsibility is not clearly claimed detrimental conditions can arise for residents.

This chapter therefore lays out the consistent standards needed for manufactured homes and land lease communities, while updating and consolidating earlier regulations regarding mobile homes and mobile home parks. The standards are intended to be applicable to all land lease communities currently in the city or which may be established in the future. They are also intended to cover both manufactured homes and permanently placed manufactured homes, and the issues unique to each.

Sec. ~~66-1~~66-2. - Definitions.

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

Land lease community means a residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.

Land lease community operator **means any person designated by contractual arrangement with the land lease community owner to supervise or maintain a land lease community and interact with its residents.**

Land lease community owner **means the owner of the underlying fee interest in the land where a land lease community is sited.**

Manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."

Mobile home means a factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.

Owner of a manufactured home or *mobile home* means the person designated in the vehicle title of the manufactured home or mobile home, whether the title is issued by this state or by some other state.

Owner of a permanently placed manufactured home means the person designated in the vehicle or real property title of the permanently placed manufactured home, whether the title is issued by this state or by some other state.

Permanently placed manufactured home means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.

(Ord. of 2-23-1970, § 2; Code 1981, § 12-1; Ord. of 11-10-1986, § 1; Ord. No. 2016-16-, 8-8-2016)

Sec. ~~66-2~~66-3. - ~~Licenses.~~Manufactured and mobile homes.

(a) ***Placement permit.*** **Every owner of a manufactured home shall apply for and obtain from the city planner or his/her authorized agent a placement permit for such manufactured home prior to placement of the home within the city. The owner of the manufactured home shall pay a fee for such permit as provided for in Appendix F-Fees and Fines. No certificate of occupancy shall be issued for a newly placed manufactured home that has not also been issued a placement permit.**

(b) ***Inspection.*** **Prior to the issuance of a certificate of occupancy for any manufactured home, the home shall pass inspection by the building inspector. The owner of the manufactured home shall cause the home to be firmly attached to the ground by means of a permanent foundation or anchors, and cause any open space beneath the unit to be skirted or enclosed with material approved by the building inspector.**

(c) ***License.*** **The owner of any mobile home or manufactured home that is not placed on a permanent foundation shall obtain an annual license for it. The owner of the mobile home or manufactured home shall pay an annual fee for such license as provided for in Appendix F-Fees and Fines. If such manufactured home is newly moved into the city, the**

owner of the manufactured home shall obtain the license and shall pay the license fee within seven days of issuance of a certificate of occupancy for the home. Payment of the license fee shall be prorated on a quarterly basis for each fractional part of a year during which the manufactured home is in the city.

(d) *Conditions for license.* No license for a new manufactured home shall be issued until the home has passed inspection and received a certificate of occupancy as required by this section.

(e) *Moving within or out of city.* When the owner of a mobile home or manufactured home removes the home from its current site or lot, the owner shall obtain a demolition permit for the removal.

(f) *Use of city utilities.* Owners of all types of manufactured homes shall coordinate with city departments during the permitting and licensing process regarding the appropriate times to transfer responsibility for utilities and activate service.

~~(a) *Required fee* . The owner of a mobile home or manufactured home that is not to be permanently placed shall obtain an annual license for it and shall pay a fee for such license as provided for in Appendix F—Fees and Fines.~~

~~(b) *Payment; penalties* . Such license shall be obtained and the license fee paid by August 1 of each year and if such fee is not paid before September 1 of such year, then, in addition to any penalty incurred pursuant to Appendix F—Fees and Fines, a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee.~~

~~(c) *Moving into city* . Upon the moving of a manufactured home into the city, if the manufactured home requires a license it shall be obtained and the license fee paid within seven days. Payment of such license fee shall be prorated on a quarterly basis for each fractional part of a year during which the manufactured home is in the city.~~

~~(d) *Required fee for landowners* . The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26—Businesses.~~

(Ord. of 2-23-1970, § 2; Ord. of 5-24-1976; Ord. of 3-27-1980; Code 1981, § 12-2; Ord. of 8-8-1988; Ord. of 3-22-1993; Ord. No. 2009-09, 6-22-2009; Ord. No. 2016-16 , 8-8-2016)

~~Sec. 66-3. - Real property taxes.~~

~~A permanently placed manufactured home as defined in section 66-1, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter.~~

(Code 1981, § 12-2.1; Ord. of 11-10-1986, § 2; Ord. No. 2016-16 , 8-8-2016)

~~**Sec. 66-4. - Placement permit.**~~

~~Every owner of a manufactured home, shall apply for and obtain from the city planner or his/her authorized agent a placement permit for such manufactured home. The city planner or his/her authorized agent shall issue no placement permit until the license fee required in this chapter is paid in full.~~

(Ord. of 2-23-1970, §§ 3, 6; Ord. of 5-24-1976; Code 1981, § 12-3; Ord. No. 2016-16 , 8-8-2016)

Sec. ~~66-5~~66-4. - ~~Duties of land lease community owners and operators~~Land lease communities.

(a) The following regulations shall apply to ~~owners and operators of all land lease communities:~~**the maintenance of land lease communities:**

i. *Private road access.* It shall be the responsibility of land lease community owners ~~and operators~~ to maintain all private streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes so as to be clear from obstructions, including but not limited to potholes, snow piles, and debris.

ii. *Debris clearance.* It shall be the responsibility of land lease community owners ~~and operators~~ to ensure that all facilities and common areas within the community are kept in good repair and maintained in such a manner as to prevent the accumulation of materials which could cause a fire hazard or would cause insect or rodent breeding and harborage.

iii. *Landscaping.* All trees, shrubbery, lawns, and other landscaping features within the community shall be maintained by the land lease community ~~operator~~**owner** to be in healthy condition at all times.

iv. *Utilities.* All **private** water, sewer, electric, and gas lines and connections intended to serve common areas or the private property of tenants within the community shall be kept in good repair at all times by the land lease community ~~operator~~**owner**. Stormwater management facilities shall be maintained so as to be free of blockage and to prevent the accumulation of standing water **that does not dissipate within 48 hours, except in facilities approved for retention of water**. Community owners shall coordinate with the City of Dover regarding utility services and equipment.

v. *Delegation of maintenance duties.* Maintenance responsibilities detailed in subsections i. through iv. of Section 66-4(a) may be delegated by the land lease community owner to leaseholders, a land lease community operator, or other parties, provided that the delegated party's specific responsibilities are detailed in an appropriate legal contract. All maintenance responsibilities not delegated shall be retained by the land lease community owner.

(b) The following regulations shall be the reporting, record-keeping, and licensing requirements of land lease communities:

~~v~~**i**. *Office hours.* ~~The land lease community operator shall be present on site at a minimum during regular business hours, so as to facilitate communication between tenants of the community and the owner, and a 24-hour emergency contact shall be available to residents.~~ **To facilitate communication between tenants of the community and the owner, the land lease community owner or operator shall be present on site during fixed hours to be communicated to residents and posted at the office. The office hours shall be no less than 20 hours per week and shall not be between the hours of midnight and 7am. A 24-hour emergency contact shall also be available to residents.**

~~vi~~**ii**. *Receipt for lot payment.* The land lease community **owner or** operator shall provide a written receipt or electronic receipt at the time **a cash payment for** rent ~~payment~~ has been made~~, regardless of the form of payment~~. **If a land lease community owner accepts a form of payment other than cash, the community owner shall, within 2 days, give to the tenant a receipt for that payment. The community owner or operator shall, for a period of 3 years, maintain a record of all cash receipts for rent.**

iii. ***Lease record; report.*** **To assist in keeping city license records and tax records up to date, land lease community owners who lease land to two or more persons for home sites shall maintain a lease record, which shall be open for inspection at all reasonable times by the city planner. Before July 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having homes on his land.**

iv. ***Required license for landowners*****. The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26—Businesses, or direct the land lease community operator to obtain this license. Only one business license shall be required per land lease community. The fee for such license shall be based on the total number of lots or home sites in the community, including both vacant and occupied lots and sites.**

~~(b) The following regulations shall additionally apply to owners and operators of land lease communities leasing land to manufactured homes:~~

~~i. *Documents to manufactured home owners.* Copies of this chapter and placement permit application forms shall be furnished to each land lease community owner, who shall give a copy of the same to every manufactured home owner who moves a manufactured home into the community, before the 15th day of the next succeeding month after placement of the manufactured home.~~

~~ii. *Enforcement.* It shall be the responsibility of land lease community owners and operators to ensure that all mobile homes and manufactured homes placed on their land maintain a current license under section 66-2.~~

~~iii. *Lease record; report.* Land lease community owners who lease land to two or more persons for siting manufactured homes shall maintain a lease record, which shall be open for inspection~~

~~at all reasonable times by the city planner. Before June 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having manufactured homes on his land.~~

~~iv. *Sale of home*. Before a home is sold by the homeowner, home owner's estate, foreclosure, eviction or other means, the City of Dover must be notified and all delinquent taxes, fees, or other charges must be paid.~~

~~v. The land lease community owner must notify the City of Dover if the community is placed for sale.~~

~~(c) The following shall be considered appropriate methods of redress if the duties outlined in this section are not fulfilled:~~

~~i. Any land lease community owner found to be in violation of the provisions of this section, regardless of corrective actions taken, shall be assessed a fine as provided for in Appendix F—Fees and Fines. Any such fine shall be in addition to any charges imposed upon the violator in accordance with subsection (c)(ii) below.~~

~~ii. If required, the City of Dover may perform maintenance in the owner's stead following official notice, and place a lien on the property to recover costs, including a 15 percent administrative charge.~~

~~iii. Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26—Businesses, Article II, Section 26-59.~~

Sec. 66-5. - Real property taxes.

A permanently placed manufactured home as defined in section 66-2-Definitions, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter. Manufactured homes that are not permanently placed shall not be taxed but shall pay the annual license fee required by this chapter in lieu of taxes.

Sec. 66-6. – Enforcement and penalties.

(a) *Licenses and permits.* Enforcement of licensing and permitting requirements shall be as follows:

i. *Obtaining manufactured home licenses.* If the owner of a mobile home or manufactured home not permanently placed fails to obtain or renew the annual license required by this chapter, a fine pursuant to Appendix F-Fees and Fines may be assessed on the owner of the home, if the home has not been removed from the city.

ii. *Obtaining placement permits.* An owner of a manufactured home who places their home without obtaining a placement permit to do so shall have the standard penalties

imposed for failure to obtain a building permit as outlined in Chapter 22 - Buildings and Building Regulations of the Dover Code.

iii. *Obtaining land lease community operator business licenses.* A land lease community owner who does not obtain an annual business license as required by this chapter shall have the standard penalties imposed for failure to obtain a business license as outlined in Chapter 26 - Businesses of the Dover Code.

(b) *Land lease community maintenance requirements.* Enforcement of community maintenance requirements shall be as follows:

i. *Violations and penalties.* Any land lease community owner found to be in violation of the provisions of Section 66-4(a) may be assessed a fine pursuant to Appendix F-Fees and Fines. If required, the City of Dover may perform maintenance to correct the violation in the owner's stead, and add the cost of maintenance, including a 15 percent administrative charge, to the fine to be assessed.

ii. *Delegation of responsibilities.* If a land lease community owner has via contractual agreement delegated maintenance responsibilities over the portion of the property in violation to the owner of a manufactured home, any fines assessed pursuant to subsections (b)(i) and (b)(ii) above shall be imposed on the owner of the home.

(c) *Reporting and record-keeping requirements.* Enforcement of reporting and record-keeping requirements shall be as follows:

i. *Provision of lease records.* If the owner of a land-lease community fails to provide a lease record before July 1 of the year, a fine pursuant to Appendix F-Fees and Fines may be assessed on the owner of the land lease community.

ii. *Provision of office hours.* The City of Dover may inspect the office of a land lease community, and upon finding that hours are not posted, or a representative is not on site during posted office hours, assess a fine pursuant to Appendix F-Fees and Fines. A finding that a land lease community's 24-hour emergency line is not functioning may also be cause to assess the same fine.

iii. *Provision of receipts.* If the owner of a manufactured home requests a receipt for payment of rent from a land lease community owner or operator and does not receive one within 2 days, the owner of the manufactured home may ask the City of Dover to request the same. If a receipt is not provided to the city within an additional 7 days, a fine pursuant to Appendix F-Fees and Fines may be assessed on the owner of the land lease community.

(d) *Official notice.* As part of any fine assessed pursuant to Section 66-6, the City of Dover shall give official notice to the violator. Policy and procedures for timing of official notices and fines shall be developed by the planning and inspections department.

(e) *Provisional order.* When cumulative unresolved violations in a land lease community are inimical to the public health, safety and general welfare so as to constitute a nuisance, and

the land lease community owner has not taken action to resolve the violations or cause the appropriate parties to resolve the violations, the city may take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26—Businesses, Article II, Sections 26-59 through 26-65.

(Ord. No. 2016-16 , 8-8-2016)

Editor's note— Ord. No. 2016-16 , adopted August 8, 2016, in effect repealed § 66-5 and enacted a new § 66-5 as set out herein. Former § 66-5 pertained to duties of mobile home park owners and derived from Ord. of 2-23-1970 and the Code of 1981.

~~**Sec. 66-6. - Anchoring and skirting.**~~

~~Prior to the issuance of a certificate of occupancy for any manufactured home not placed on a permanent foundation, the manufactured home shall be firmly anchored to the ground and the open space beneath the unit shall be skirted with approved material in accordance with the requirements of the building inspector.~~

(Ord. of 9-13-1976; Code 1981, § 12-5; Ord. No. 2016-16 , 8-8-2016)

~~**Sec. 66-7. - Use of city utilities.**~~

~~The owner or occupant of any mobile home or manufactured home shall not be entitled to receive city utilities until the license fee required in this chapter is paid in full, and city personnel shall refuse to provide sewage, water and electricity to the mobile home or manufactured home until satisfactory proof is furnished that such license fee has been paid.~~

(Ord. of 7-28-1975; Code 1981, § 12-6; Ord. No. 2016-16 , 8-8-2016)

Sec. ~~66-8~~66-7. - Exemptions.

This chapter shall not apply to:

(1) *Dealers.* Unoccupied manufactured homes located on a dealer's display lot; or

(2) *Manufactured homes in transit*~~-~~. Unoccupied manufactured homes temporarily occupying the public right-of-way prior to placement on a lot or home site.

(Ord. of 2-23-1970, § 8; Code 1981, § 12-7; Ord. No. 2016-16 , 8-8-2016)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 8 - Manufactured housing (MH) zone, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Section 8. - Manufactured housing (MH) zone.[2]

8.1 *Uses permitted.* In a manufactured housing zone, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any uses, except the following:

8.11 Manufactured homes on individual lots, held in any type of ownership.

8.12 Multiple manufactured homes on a lot, provided that:

(a) The lot is operated as a condominium**, including but not limited to condominiums formed pursuant to 25 Del Code, Chapter 71**; or

(b) The lot is operated as a land lease community; and

(c) There are at least 15 manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a manufactured home. **There shall be no mixing of manufactured homes and permanently placed manufactured homes on one lot.**

8.13 Permanently placed manufactured homes on individual lots, provided that the home and the lot are under common ownership.

8.14 Multiple permanently placed manufactured homes on a lot, provided that:

(a) The lot is operated as a condominium including but not limited to condominiums formed pursuant to 25 Del Code, Chapter 71; or

(b) The lot is operated as a land lease community; and

(c) There are at least 15 permanently placed manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 permanently placed manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a permanently placed manufactured home. There shall be no mixing of manufactured homes and permanently placed manufactured homes on one lot.

8.~~13~~**15** One-family detached homes on individual lots, held in any type of ownership.

8.2 *Conditional uses*~~–~~. Conditional uses shall be consistent with those conditionally permitted in the one-family residence zones.

8.3 *Accessory uses*~~–~~. Accessory uses shall be consistent with those permitted in the one-family residence zones, with the following additions and exceptions:

8.31 *Management facilities*. The following shall be permitted accessory to lots providing home sites for multiple manufactured homes:

(a) Management offices with rooms for the usual office furniture and supplies, limited to one per lot;

(b) Storage space for utility connection supplies in quantity, manufactured home accessories and maintenance materials and equipment;

(c) Laundry facilities equipped with washing machines and dryers;

(d) Community building facilities, including indoor recreation areas;

(e) Commercial establishments consistent with uses permitted in the C-1 neighborhood commercial zone, limited to one such establishment per lot;

(f) One-family detached homes intended for the use of a manager or caretaker, limited to one such dwelling per lot.

8.32 Accessory home occupations. Accessory home occupations shall be permitted consistent with the conditions outlined for home occupations in the one-family residence zones, with the exception that no home occupation shall be permitted if not also permitted by the owner of the lot on which the home is sited.

8.4 *Uses prohibited*-. The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22, Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.5 *Minimum occupation length*–. No lot or home site within the manufactured housing zone reserved for occupation by a manufactured home shall be leased or occupied for residential use except for periods of 30 consecutive days or more.

8.6 *Land lease communities*–. The following regulations shall apply to land lease communities within the MH zone:

8.61 ***Ownership.*** The entire land area occupied by a land lease community, regardless of the number of home sites or individual lots therein, shall be maintained in single ownership, or if in multiple ownership, under the provisions of the laws of the state dealing with unit properties and condominiums.

8.62 *Changes to site plan.* After initial site development plan approval of a land lease community, reapproval for the entire community shall not be required prior to the issuance of building permits for alterations to individual manufactured homes, or their accessory buildings such as storage areas and patios, which, in the judgement of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the individual manufactured home sites or lots leased by an individual family and designed for the convenience and comfort of the individual lessee.

8.7 *Performance Standards*-. All uses are subject to performance standards as set forth in article 5, section 8.

8.8 *Site development plan approval*-. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

8.81 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A,"Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities." Where applicable, the approving authority shall be the fire marshal's office.

8.82 No site development plan proposing the siting of a manufactured home outside of a land lease community shall be approved unless the plan shows the manufactured home is to be permanently placed, as defined in the Dover Code of Ordinances, Chapter 66—Manufactured Homes, Mobile Homes, and Land Lease Communities.

8.9 *Maximum density*–. The gross residential density in an MH zone shall not exceed six dwelling units per acre.

8.10 *Signs*-. Signs shall meet the regulations found in Article 5—Supplementary Regulations, Section 4—Supplementary Sign Regulations.

(Ord. No. 2016-16 , 8-8-2016)

Footnotes:
--- (**2**) ---

Editor's note— Ord. No. 2016-16 , adopted August 8, 2016, in effect, repealed § 8 and enacted a new § 8 as set out herein. Former § 8 pertained to simil~~i~~ar subject matter and derived from Ord. of 10-13-1981; Ord. of 3-20-1983; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-28-2008(2); and Ord. No. 2010-29, adopted January 10, 2011.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions, be amended by inserting the following definition in its correct alphabetical order:

Permanently placed manufactured home **means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.**

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Chapter 66. - Manufactured Homes, Mobile Homes, and Land Lease Communities

Chapter 66. Manufactured Homes, Mobile Homes, and Land Lease Communities	Fees and Fines
~~Sec. 66-2. Licenses~~ **Sec. 66-3. Manufactured and mobile homes**	
Subsec. (a) ~~Required fee~~**Placement permit**	~~$45.00 each license~~**$50.00 each one-time placement permit**
~~Subsec. (b) Payment; penalties~~	~~A fine of not less than $50.00 and a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee~~
Subsec. (c) License	**$45.00 each license annually**
~~Sec. 66-5. Duties of Land Lease Community Owners and Operators~~	
~~Subsec. (c)(i) Failure to perform required duties~~	~~A fine of not less than $50.00 in addition to any charges imposed to cover cost of maintenance by the City~~
~~Subsec. 66-5 (c)(ii) Cost of maintenance by the city~~	~~$75.00 per hour for such work~~

	~~that must be done to render the property in compliance with this article, plus a 15% administrative charge~~
Sec. 66-6 Enforcement and penalties	
Subsec. (a) Licenses and permits	
Subsec. (i) Obtaining manufactured home licenses	**A fine of not less than $25.00**
Subsec. (b) Land lease community maintenance requirements	
Subsec. (i) Violations and penalties	**A fine of not less than $25.00 in addition to any charges imposed to cover the cost of maintenance by the City at $75.00 per hour for such work that must be done to render the property in compliance with Chapter 66, Section 66-4, plus a 15% administrative charge**
Subsec. (c) Reporting and record-keeping requirements	
Subsec. (i) Provision of lease records	**A fine of not less than $25.00 and a penalty fee of ten percent per month shall accrue for each month the lease record is not provided**
Subsec. (ii) Provision of office hours	**A fine of not less than $25.00; the fine may be applied cumulatively or per violation instance**
Subsec. (iii) Provision of receipts	**A fine of not less than $25.00; the fine may be applied cumulatively or per violation instance**

(Ord. No. 2016-16 , 8-8-2016)

ADOPTED: *

S:\ORDINANCES\2018\DRAFT\ORDINANCE #2018-01 CH 66, APPX B-ARTS 3 AND 12, AND APPX F\ORDINANCE #2018-01.wpd

SYNOPSIS

The proposed ordinance reorganizes and clarifies a portion of the updates to the Dover Code made in August 2016 through Ordinance #2016-16. The proposed ordinance also brings the updates into compliance with provisions of the Delaware Code related to manufactured housing and rental housing,

particularly Title 25, Chapters 53, 55, 70, and 71. The updates affected include requirements for placing and licensing manufactured homes, standards for management and maintenance of land lease communities, taxation, and code enforcement. A distinction is also made between manufactured homes and permanently placed manufactured homes in the *Zoning Ordinance.*

(SPONSORS: NEAL AND HUGG)

Actions History

02/13/2018 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

CITY OF DOVER
TRAINING, CONFERENCE & TRAVEL POLICY

A. INTRODUCTION

1. Purpose

The purpose of this policy is to provide guidelines under which City of Dover employees, public officials, and appointees will be reimbursed for authorized travel expenses incurred in the conduct of business for the City of Dover, hereinafter referred to as "City." In addition to the guidelines, specific procedures with regard to incurring and reporting related expenses are provided.

2. Scope

This policy shall apply to employees of the City of Dover, elected officials, boards, commissions and others, who are engaged in authorized travel and who expend City funds for travel purposes. The Mayor and Members of City Council are not required to submit a Travel Authorization and Completion Form, but are required to follow the financial and budget requirements of this policy.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of City funds for reimbursable expenses. The City of Dover will provide flexibility to meet the special needs and requirements of their employees during travel.

It remains the responsibility of city management to control and approve travel-related expenditures. The City Manager and Controller/Treasurer may impose more stringent rules when deemed appropriate or necessary.

The City Manager and Controller/Treasurer will review every three years the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the City Manager and Controller/Treasurer. The City Manager and Controller/Treasurer may also, on a case-by case basis, approve reimbursements exceeding the guideline amounts referenced in this policy. In any such instance, a detailed explanation and substantiation (a receipt) is required. Enforcement of this policy will be the responsibility of the Controller/Treasurer.

3. Responsibility

a. Employee, Public Official, or Appointee
   - **Traveler should be made aware of and c**~~C~~omply with all provisions of this policy.
   - Obtain the necessary approvals in advance for overnight travel and out-of-state use of City vehicles. Provide a copy of the approval with the travel prepayment made by direct voucher.
   - All expenses incurred in the course of City business are to be in accordance with the City's Administrative Policies and Rules of Ethics and must be paid solely from appropriated funds.
   - Comply with the ten (10) working-day rule.

b. Department Director/City Manager/Council Designee
   - Ensure compliance with this policy.
   - Review and approve each of their employees/official's travel approval requests and reimbursable expenses.
   - Ensure sufficient funds are available for all anticipated expenses.

c. Signatures on the Travel Expense Report (City of Dover Form 030 Exhibit B) certify that the expenses were incurred by the employee/official requesting reimbursement for official City business, are reimbursable in accordance with this policy, and have not been reimbursed except as indicated on this form.

Required signatures for expenses are:

- Employee
- Supervisor
- Department Director or Council Designee

B. TRAINING AND CONFERENCE REGISTRATION FEES

1. Request for payment of registration fees shall be accompanied by the registration form.

2. City Council, Planning Commission and the Mayor are offered opportunities to attend courses designed for governmental officials. Any member of Council wanting to take advantage of these courses offered by the following organizations will submit to the City Clerk's office their request for registration.

- Delaware League of Local Governments
- National League of Cities
- US Conference of Mayors
- International City Managers Association
- Government Finance Officers Association (GFOA)
- American Public Power Association (APPA)
- American Public Works Association (APWA)
- American Planning Association
- Organizations that provide Continuing Education credits for professional license renewals of applicable staff.

Any courses not offered by these organizations will be submitted to the City Manager and Controller/Treasurer for concurrence.

C. TRAVEL AUTHORIZATION

All out-of-state travel that extends beyond one day shall be approved by the City Manager. All requests shall be made on the "Travel Authorization Form" (City of Dover - Form 047 Exhibit A). A copy of the conference or meeting program must be attached to the form. The authorization form must be submitted to the City Manager in a reasonable amount of time prior to the traveling day.

The Department Director or City Manager may impose specific requirements as to the time the authorization form must be submitted prior to travel. Employees and Officials traveling on official City business should be aware that the approval is for travel only, and is not a blanket approval of the expenses incurred.

A travel packet including the authorization form, the meeting program/itinerary, and the purchase orders for advanced costs must be submitted to the Accounts Payable Department. The Purchase Orders for the advanced costs should include the necessary supporting documentation. It does not require the submission of duplicate

information. Please note Purchase Orders for registration costs must include the Registration form unless previously submitted; submission for hotel and airfare costs must include documentation of the individual costs unless previously submitted. **Cancellation and changes to travel should be done in a timely manner to avoid loss of City money. If travel cannot be refunded back to City, an explanation is required.**

D. TRANSPORTATION: COMMON CARRIER

1. General

All trips requiring the use of common carrier must be pre-approved by the appropriate approval authority.

The mode of travel must be justified on the basis of the most economical use of time of the personnel involved, the cost of optional travel modes, and the requirements of the trip.

All common carrier reservations must be consistent with reasonable business travel planning, common carrier will be booked at the lowest available fare. If the lowest available fare is turned down by the traveler, the traveler's explanation for the denial is to be provided with the travel authorization request.

Travelers should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs.

In order to take advantage of special discount rates (supersaver fares, etc.), reimbursement to an employee may be made prior to a trip being taken under the following conditions:

a. Documentation of the substantial savings that will accrue to the City (e.g., supersaver discounts).
b. Employee's proof of payment on a statement from the airline, other than credit card receipts.

Most airlines will not give refunds or partial refunds for supersaver airfares.

It is encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

2. Air Travel

a. Accommodations - When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class accommodations are more economical.

b. Routing of Travel - All travel will be by the most economical and direct routes.

   In the event that a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.

c. Conference Airfare Arrangements

   When attending a conference, always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go

directly to an airline to obtain the discount fare, the employee should compare the conference rates through the internet with all other airline rates available before scheduling airline reservations. The employee should always book the lowest fare possible. (See Section F.3. for Conference Lodging Arrangements).

***City will not pay for, nor reimburse priority boarding, preferred seating, or overweight baggage for personal preference. Detailed explanation and receipt is required. ***

3. Rail Travel

a. Accommodations – When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be utilized.

E. TRANSPORTATION: PASSENGER VEHICLES

1. City-Owned Vehicles

City-owned vehicles should be utilized for both in-state and out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

2. Use of Privately-Owned Vehicles

a. The use of privately owned vehicles for any City travel (both in state and out-of-state) should only be used when a City Vehicle is not available. The use of a privately owned vehicle for City travel shall require the prior approval of the City Manager and Department Director. Reimbursement of private vehicle expenses shall be at the Council approved rate as indicated on Exhibit B for actual and necessary miles traveled. Beginning and ending odometer readings are required for the reimbursement for mileage.

b. In considering approval for use of personal vehicles, the approval authority shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel/transit days. Mileage reimbursements shall not exceed the cost of airfare plus travel to/from the airport.

c. When two or more employees travel in a privately owned vehicle, only one mileage reimbursement will be allowed at times when one vehicle is sufficient to carry all passengers.

3. Rental Cars

a. General

The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. Prior approval by the Department Director and City Manager is required before arranging for car rental. All rentals should be at the most economical rate per day including government rates or special rate agreements. When traveling in groups, sharing of cars, when practical, must be done to minimize costs. The city will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official, or appointee.

b. Vehicle Size

Whenever possible, compact cars shall be rented or reserved. However, if a larger size vehicle is more economical or more than two city travelers are traveling together the larger vehicle may be appropriate. Any representative of the City requesting an upgrade of the size of a rented vehicle shall provide a written explanation of their reasons to the City Manager. **A receipt is always required**.

c. Insurance

(1) The optional insurance coverage offered by the car rental agency must be declined when the traveler charges the rental car. The traveler will automatically receive primary coverage under the City blanket insurance policy for travel. When insurance is declined, the policy covers collision damage, theft, fire and vandalism. Reimbursements for additional or optional insurance coverage will not be allowed.

(2) Other. Travelers not covered under the blanket insurance policy may be covered by their personal automobile insurance policy or other personal credit cards. Travelers should check their automobile policy and credit card policy for business travel coverage and accept or decline additional coverage accordingly. Reimbursement for additional or optional insurance coverage will not be allowed.

d. Refueling Before Return

To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to the rental company. Any surcharges billed to the employee, public official, appointee, or City shall be explained in the reimbursement request.

e. Reservations

Approved car rental reservations shall be made in advance whenever possible. The employee should compare car rental rates and always look to reserve the lowest rental.

F. PER DIEM EXPENSES

The City uses per diem expenses as set by the U.S. General Services Administration (GSA) for official travel within the United States. M&IE Rates can be found at: http://www.gsa.gov/perdiem or Public Docs\Policies & Procedures\Travel\FY2017_PerDiemRates.xls

G~~F~~. LODGING

1. General

City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value. Employees are expected to compare local lodging rates in the area prior to reserving lodging.

2. Accommodation

a. Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to official travel.

b. Accommodations shared with family members or others not on official City business are reimbursable at the single occupancy rate only.

c. Accommodations shared with other City travelers should be billed and reimbursed to one traveler. When required, reimbursements to more than one traveler shall be based on a pro rata share as reported on each reimbursement request.

3. Conference Lodging Arrangements

When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee/official should compare conference rates with the rates for other local hotels within a three (3) block radius of the conference. The employee is urged to reserve hotel accommodations that offer the best value to the City. This includes conference rate, government rate or lower rate, for the employee/official. If a lower rate is not available, the conferees should make their lodging arrangements directly utilizing the conference instructions. Conference lodging will be considered to accommodate persons with special circumstances.

4. Occupancy Tax

The City is exempt from the tax on occupancy of hotel, motel and tourist home rooms within Delaware only. When instate overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the lodging facility. Tax on occupancy of hotels in other states must be paid.

H~~G~~.MEAL ALLOWANCES

1. General

The City will pay for or reimburse an employee/official for the necessary and reasonable cost of meals and incidental expenses incurred during out of state travel requiring overnight lodging.

Additional meal costs incurred over and above those provided as part of a conference**, lodging,** or **airfare** ~~registration~~ fee are not reimbursable, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions). **Exceptions are to be pre-approved by the City Manager and Controller/Treasurer.**

There will not be any reimbursement for meals when the meals are provided as part of the conference/training or by the host organization and when meals are provided as part of the hotel service and/or airfare.

~~Only per diem rates as prescribed by the Federal Government for official travel will be provided for Meals and Incidental Expenses (M&IE) P:\Policies & Procedures\Travel\FY2018_PerDiemRates.xls~~

If an employee is traveling partial days on any calendar day, the City will prorate the applicable M&IE rate at 75 percent. This applies to both day of departure and day of return. Partial travel days begin when an employee leaves Dover after 12:00 noon on the day of departure and returns to Dover by 5:00 PM on the day of arrival.

When meals are provided at the conference or by the host, the meal allowance will be reduced by 25% for each meal provided. Continental Breakfast provided by the hotel or at the conference is counted as a meal, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

2. Day Trips, In-state Travel and Before or After Hours

The meal allowance for day trips out of the City will be reimbursed at actual cost**,** as long as it does not exceed 25% of the normal per diem per the M&IE Allowance. The meal allowance for working before or after hours as a general rule are not encouraged, but may be approved by the City Manager and/or Controller/Treasurer on a case-by-case basis. At no time can the amount exceed the allowances established.

I~~H~~. CASH ADVANCES

General/Blanket travel advance checks will not be issued to employees, public officials, or appointees. Employees, public officials, and appointees will be reimbursed for specific travel related expenses after the trip or event has been completed.

The City will pay specific travel and lodging costs in advance as long as the request deadlines are met. Employees, public officials, and appointees shall use a City purchase order when requesting travel cost advances. Department Directors should use their City credit card for business travel. Directors may approve the use of their departmental travel credit card when arranging employee travel. Under urgent situations and with prior approval, employees and officials can also use a personal credit card and request reimbursement when they return.

The City will pay in advance the following costs:

Please note: A travel packet including the Travel authorization form, the meeting program/itinerary, and a purchase order for the advanced costs listed below must be submitted to the Accounts Payable Department **no later than 12 days prior to the event.**

a) **Conference/Training registration fees.** Such payment will be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department upon receipt of the approved Travel Authorization Form. A copy of the registration form describing the specific event must be attached to the purchase order. The Employee Travel packet must be submitted to Accounts Payable prior to/or along with the purchase order request for advance travel expenses.

b) **Airfare.** Airfare is normally reserved on-line through the internet and paid with a City credit card after travel approval has been received. (See City Credit Card Policy)

c) **Lodging**. Upon receipt of the approved Travel Authorization Form, the department may submit a purchase order for lodging. The check will be made payable to the hotel and will be given to the person for whom the lodging arrangements are made. The department must provide supporting

documentation including the daily lodging rates and applicable taxes along with the purchase order. Lodging reservations can be held with the use of a City Credit Card. (See City Credit Card Policy)

d) **Meal allowance**. An advance for the M&IE Allowance, which includes ~~both~~ meals**, tax and tips** ~~and incidental~~ expenses, will be permitted for meals not provided by the conference**, lodging or airfare** ~~or training~~ as indicated in Section H (1) above. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE Allowance. M&IE Rates can be found at: http://www.gsa.gov/perdiem or Public Docs\Policies & Procedures\Travel\FY2017_PerDiemRates.xls

J~~I~~. TRAVEL EXPENSE REIMBURSEMENT

1. General

Travel Expense Report (City of Dover Form 30) is due to Accounts Payable within **ten (10) working days** after travel or an expense is incurred **(Ten working-day rule)**.

a. Timely reimbursement can be assured only if an accurate, properly substantiated Travel Expense Report is received **to Accounts Payable ten (10) working days** after completion of the trip.

b. Failure to submit timely Travel Expense Reports after the completion of a trip will result in administrative action, such as notification to the Department Director and denial of future travel requests.

Travel Expense Reports for local travel and related expenses are to be submitted monthly. **In no case shall a reimbursement be made to an employee for travel/conference/training related expenses incurred in excess of 3~~9~~0 days. Explanation is required if over 30 days and approved by Controller/City Manager.**

Note: This section pertains to only those travel expenses paid by the traveler; not to travel expenses directly billed to/paid by the City.

2. Receipt Requirements and Other Reimbursement Criteria

a. Tickets booked on common carriers (airline, rail or bus) require original copy of the paid invoice or email confirmation containing total travel costs for arrangements booked on-line.

b. Hotel/motel bills shall be the original copy of hotel/motel billing marked paid.

c. Ground transportation, including airport shuttle, taxi or public transit requires a receipt.

d. Car rental reimbursements require paid invoice from the rental company.

e. **All ~~M~~m**eals do not require receipts and are not reimbursable above the maximum daily/partial day per meal allowance. **Tax and t~~T~~ips are included in the M&IE Allowance and will not be reimbursed separately.** When more than one City employee, public official, or appointee's meals are being reimbursed, each employee must submit a separate Travel Expense Reimbursement for their allowance.

f. Hotel/motel related expenses should be documented identifying the date and the cost for each category with the following requirements:

(1) Out-of-pocket costs for incidental items such as tips, baggage handling and maid service are not individually reimbursable by the City of Dover. Costs included under this category are included in the M&IE per diem rate. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE allowance.

(2) City-business related telephone calls are reimbursable as incurred and require a receipt from the telephone service provider or included on the hotel/motel billing invoice.

g. Lodging at campgrounds using traveler's camper or recreational vehicle is reimbursable at the actual cost, not to exceed the equivalent cost of hotel/motel lodging. Receipt is required.

h. Other Reimbursement Categories

Reimbursement for the following categories should be submitted on a schedule identifying the date, the cost and the category. All supporting receipts must be attached:

1) The City will reimburse employees for hotel and airport self-parking. The City encourages all employees to seek 'economy and budget parking'.
2) The City will not reimburse employees for Valet parking, unless prior approval has been granted by the City Manager and Controller.
3) The City will reimburse employees the cost of tolls for interstates, turnpike, bridges and/or ferries. All travel expenses require a receipt.
4) The City will reimburse employees for necessary airport baggage fee. A receipt is required.

i. Gasoline and/or Other Supplies require a receipt.

Need for emergency repairs incidental to using a City-owned vehicle shall require a Vendor receipt.

j. Department Director pre-approval is required to receive reimbursement for Internet Access Costs for city business. These costs must be substantiated with receipts.

k. While traveling overnight out-of-state, the City will reimburse employees for the cost of up to two (2) personal telephone calls not to exceed $8 per trip. A receipt is required for reimbursement.

l. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies

3. Non- Reimbursable Expenses

The City shall not reimburse expenses for the following:

a. Alcoholic beverages**.**
b. In-room movies or pay television.
c. Theater tickets or nightclub entertainment.
d. Laundry.
e. Babysitting.

f. Related expenses of spouse, children and other persons accompanying the authorized employee or official.
g. Pleasure, historic or other tour related expenses. Expenses for business related tours would be reimbursed.
h. Donations and gifts made while at training, conference, or meeting.
i. Loss or damage of personal items.
j. Meals for other conference attendees.
k. Purchase of personal items.
l. Any parking or moving violation fines.
m. Any personal or pleasure travel while on City business.

KJ. CHARTER AND CODE OF CONDUCT

All City of Dover policies are subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses - Mayor and Council and other elected or appointed officials", whereas, "Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "applicable to all elected and appointed officials and to all employees of the City of Dover."

LK. INTERNAL REVENUE CODE - DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office."

The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.

The office was delegated a portion of the powers of the government body.

The powers conferred and the duties to be discharged are defined either directly or indirectly law or through legislative authority.

The duties are being performed independently and without control of a superior power other than the law.

The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president, a governor or mayor, the secretary of state, a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge, a justice of the peace, and members of advisory boards and committees.

M~~L~~.REVIEW & REVISION

The City of Dover Travel Policy will be reviewed every three years by the City Manager, Controller/Treasurer and City Clerk to provide recommended changes to City Council for approval.

EXHIBITS

Exhibit A - COD Travel Authorization Form (Form 47)
Exhibit B - COD Travel Expense Report Form (Form 30)
Exhibit C - COD Exemption Certificate Form 99A

REVISION RECORD

Revised: November 24, 2003
Revised: February 9, 2004
Revised: July 24, 2006
Revised: March 23, 2009
Revised: January 23, 2012
Revised: February 23, 2015

EXHIBIT A

CITY OF DOVER
TRAVEL REQUEST AND ITINERARY

EMPLOYEE TRAVELING _____ REQUEST DATE _____

BUSINESS PURPOSE _____

DEPARTMENT _____ TRAVEL DESTINATION AND DATES _____

ITEMIZED EXPENSES

					ESTIMATED COST:
REGISTRATION FEE:	MEALS PROVIDED BY CONFERENCE MUST BE DEDUCTED FROM M & IE RATE.				
MODE OF TRAVEL AND COSTS:					
AIRLINE	____ ONE WAY	____	ROUND TRIP		0.00
AIRPORT PARKING	____ PER DAY	____	TOTAL DAYS		0.00
TRAIN	____ ONE WAY	____	ROUND TRIP		0.00
BUS	____ ONE WAY	____	ROUND TRIP		0.00
* RENTAL CAR	____ ONE WAY	____	ROUND TRIP		0.00
* PERSONAL CAR	____ TOTAL MILEAGE	0.40	PER MILE		0.00
* TOLLS	____ ONE WAY	____	ROUND TRIP		0.00
CITY VEHICLE	____ " IS ADVISE TO BE USED INSTEAD OF PERSONAL CAR"				
LODGING EXPENSES:	BREAKFAST PROVIDED BY HOTEL MUST BE DEDUCTED FROM M & IE RATE				
HOTEL	____ PER NIGHT	____ TAXES	____ NUM OF NIGHTS		0.00
* SHUTTLE	____ PER TRIP	____ TAXES	____ TOTAL TRIP		0.00
* TAXI	____ PER TRIP	____ TAXES	____ TOTAL TRIP		0.00
* PARKING	____ PER DAY	____ TAXES	____ TOTAL DAYS		0.00

MEALS: M & IE RATE $ _____

	SUN	MON	TUE	WED	THUR	FRI	SAT	
DATES:								
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

$0.00
TOTAL EXPENSE

EMPLOYEE SIGNATURE _____ DATE _____

DEPARTMENT HEAD APPROVAL _____ DATE _____

CITY MANAGER OR COUNCIL DESIGNEE APPROVAL _____ DATE _____

Finance Form 47

EXHIBIT B

CITY OF DOVER
TRAVEL EXPENSE REPORT FORM

NAME OF EMPLOYEE	DEPARTMENT	TRIP TAKEN TO (CITY)

PURPOSE OF TRIP

Please attach receipts for hotels, tolls, transportation, etc., and show all costs on this form.
Please use a separate form for each week.
Please note incidental expenses (tips) are included in M & IE Rate.

EXPENSES DATE	MON	TUES	WED	THUR	FRI	SAT	SUN	TOTAL
REGISTRATION FEES								$ -
TRANSPORTATION - AIR/TRAIN								$ -
PERSONAL AUTO _____ Miles @ .40 cents a mile								$ -
AUTO RENTAL								$ -
PARKING FEES, TOLLS, GAS, ETC.								$ -
TAXI/BUS FARE/SHUTTLE/BAGGAG								$ -
HOTEL/MOTEL								$ -
TELEPHONE								$ -
MISCELLANEOUS EXPENSES								$ -
MEALS (M & IE RATE)								$ -
MEAL ALLOWANCE OVERAGE								$ -
TOTALS	$ -	$ -	$ -	$0.00	$0.00	$ -	$ -	$ -

SIGNATURE OF PERSON INCURRING EXPEN _____ DATE _____

DEPARTMENT HEAD SIGNATURE (For Certification) _____ DATE _____

FINANCE DEPARTMENT - AUDIT _____ DATE _____

FINANCE - FINAL ACTION _____ DATE _____

ACCOUNT NUMBER _____

Form 30

TOTAL EXPENSES $ -

LESS PAID BY CITY: $ -

REGISTRATION _____ _____

HOTEL _____ _____

AIRFARE _____ _____

TRAVEL ADVANCE _____ _____

DUE EMPLOYEE _____

DUE CITY _____

EXHIBIT C

CITY OF DOVER
DEPARTMENT OF FINANCE

EXEMPTION CERTIFICATE
TAX ON OCCUPANCY OF HOTEL AND MOTEL AND TOUR IST HOME ROOMS

In accordance with Internal Revenue Code Section 5253(I), no tax shall be imposed under section 4251 upon any payment received for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

This Part to be Completed by the Operator

Name of Hotel, Motel, or Tourist Home			Fed. EI or SS number
Address	City	State	Zip Code

This Part to be Completed by the Occupant

This is to certify that I, the undersigned, am a representative of the City of Dover, Delaware; that the charges for the occupancy at the above establishment on the dates set forth below has been or will be paid for by the City of Dover, a government unit; and that such charges are incurred in the performance of my official duties as a representative or employee of the governmental unit.

Name (Please type or print)		Signature	
City of Dover	51-6000092		
Governmental Unit	Tax I.D. #	Title	
P.O. Box 475	Dover	DE	19903-0475
Address	City	State	Zip Code

Date(s) of Occupancy _____

If additional information is needed, please contact the City of Dover Finance Director at (302) 736-7018.

NOTE: A separate Exemption Certificate is required for each occupancy and for each representative or employee.

THIS EXEMPTION CERTIFICATE IS TO BE RETAINED BY THE OPERATORS OF HOTELS, MOTELS, AND TOURIST HOMES AS EVIDENCE OF EXEMPT OCCUPANCY.

\\Dover_1\finance\FORMS\DOCUMENTS\FORM99 A.wpd