KENT COUNTY ASSOCIATION OF REALTORS®
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March 10, 2008

The Honorable Timothy A. Slavin
City of Dover
PO Box 475
Dover, DE 19903

Dear Mr. Chairman:

The Kent County Association of REALTORS® respectfully requests you consider the timing and necessity of fee increase with respect to conduct of business and / or licensing within the City of Dover.

The state of the economy is such that many small business owners are experiencing difficulties continuing to operate without having to make some type of concession or decreasing their operating costs significantly. Many of the fees that are being proposed will put an undue strain upon these business owners, their employees and possibly their customers who have come to depend on them. In the spirit of competition, some businesses cannot simply pass along the increased costs to their customers, but in trying to offer a service or product, may find themselves forced to close their doors. Some other types of business may be able to pass along these fees to the end user. However, this increase might make the service or product outside their range of affordability.

While many businesses in the City of Dover may be suffering, one, the City itself, seems to be prospering. However, we do not know the extent to which this prosperity exudes. We are currently in the middle of the City's fiscal year and cannot predict to what extent many of the budgeted revenues and expenditures will end. Based on the Mid-Year review of the budget, it seems as though the City is in great shape to finish the year with higher revenues and lower expenses than projected. Therefore, there may not even be a need for the increased fees this year.

As you can see, timing is an issue because of the state of the economy, and because we do not yet know to what level the City's finances will end. The better response to a proposal of this potential magnitude would be to wait and see where the City stands at the end of the fiscal year, and to see what obstacles the business community may overcome to take us out of what many see becoming a recession.

Thank you for your cooperation in this very important matter.

Respectfully,

Todd M. Stonesifer
President Elect
Kent County Association of REALTORS®

CITY OF DOVER ORDINANCE #2008-17

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

That Chapter 22 - Buildings, be amended by deleting the phrase "department of planning and inspections" and replacing it with "licensing and permitting office."

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings, Section 22-32 Additional Powers and Authority, be amended by adding the following:

(5) The building inspector or his duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour, as necessary, in the execution of their duties.

a. The building inspector shall notify the owner and tenant before conducting any inspection.
b. The building inspector or his duly authorized assistants shall display identification signed by the city manager upon commencing an inspection.
c. Inspections shall be commenced in the presence of the owner, or his representative or tenant.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings, Article VI Property Maintenance Code, Section 22-224 Enforcement, be amended by deleting the phrase "building inspector" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings, Article VIII Leases, Section 22-333, subsections (a) and (b) be amended by inserting "or city planner" after the phrase "building inspector."

BE IT FURTHER ORDAINED:

That Chapter 26 - Businesses, Section 26-32 be amended by deleting the phrase "department of planning and inspections" and replacing it with "City of Dover."

BE IT FURTHER ORDAINED:

That Appendix A - Subdivisions, Article VI, Section F General Grading, be amended by deleting the phrase "city manager" and replacing it with "city engineer."

ADOPTED: *

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SYNOPSIS

In March 2006, the City began a reorganization of the Department of Public Works and the Department of Planning and Inspections into the Public Services Group. The reorganization has progressed well, and the proposed ordinance would codify the changes in operations and reporting.

Actions History: March 10, 2008 - Introduced in Legislative Finance and Administration Committee

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CITY OF DOVER ORDINANCE #2008-18

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

That Appendix B - Zoning Ordinance, Article 3 - District Regulations, Section 8 (Mobile Home Park Zone, Subsection 8.2 be amended by deleting the phrase "building inspector" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 5 - Supplementary Regulations, Section 8 - Performance Standards, be amended by deleting the phrase "building inspector" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 5 - Supplementary Regulations, Section 16 - Tree Planting and Preservation, be amended by deleting the phrase "building inspector" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 7 - Nonconforming Buildings and Uses, Section 1 - Nonconforming Buildings and Uses, Subsection 1.4 be amended by deleting the phrase "building inspector" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 8 - Enforcement and Penalties, Section 3 - Duties of the Building Inspector, be amended by deleting it in its entirety and replacing it with the following:

Section 3. Duties of the City Planner

2.1 It shall be the duty of the city planner to enforce the provisions of this ordinance and all of the rules, conditions and requirements adopted or specified pursuant thereto.

2.2 It shall be the duty of the city planner to interpret the provisions of this ordinance. Appeals of the city planner's interpretation shall be heard by the Board of Adjustment in accordance of Article 9.

2.3 The city planner shall maintain files, open to the public, of all applications filed, along with plans submitted therewith pursuant to this Appendix.

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2.4 The city planner shall maintain files, open to the public, of all complaints of violations of provisions of this of this ordinance, as well as any action taken as a result of this complaint. The names of complainants shall not be open to the public.

2.5 The city planner and his duly authorized assistants shall have the right to enter upon any land that is the subject of an application under this appendix during any reasonable hour, as necessary in the execution of the requirements of this appendix.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 9 - Board of Adjustment, Section 3 - Procedure, be amended by deleting the phrase "building inspector" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 10 - Planning Commission, Section 1 - Approval of Conditional Uses, and Section 2 - Site Development Plan Approval be amended by deleting the phrase "building inspector" and replacing it with "city planner" and by deleting the phrase "planning director" and replacing it with "city planner."

BE IT FURTHER ORDAINED:

That Appendix B - Zoning Ordinance, Article 10 - Planning Commission, Section 3 - Historic District Commission and Architectural Review, Subsection 3.42 - Responsibility of the Historic District Commission, Paragraph (b), be amended by deleting the phrase "building inspector" and replacing it with "planner."

ADOPTED: *

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SYNOPSIS

In March 2006, the City began a reorganization of the Department of Public Works and the Department of Planning and Inspections into the Public Services Group. The reorganization has progressed well, and the proposed ordinance would codify the changes in operations and reporting. These specific changes are recommended to the Zoning Ordinance to assign the responsibility for administering the Zoning Ordinance to the City Planner, rather than the Building Inspector. Currently and previously, the City Planner has been the appointed Building Inspector as well. These changes would allow for another individual to be appointed as the Building Inspector without affecting the administration of the Zoning Ordinance.

Actions History

March 10, 2008 - Introduced in Legislative, Finance and Administration Committee

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