Department of Planning and Inspections

Proposed Building Code Revisions

Attached are the proposed revisions to:

- International Building Code – 2003
- International Residential Code – 2003
- International Mechanical Code – 2003
- International Plumbing Code – 2003
- International Property Maintenance Code – 2003

- Dover Code – Article III Electrical Installations
  Section 5-31 Electrical Code Adopted

The proposed revisions are followed by copies of sections/pages of the codes to which they apply for reference purposes.

Alternate Consideration:

The International Building Code – Section 104.4 Referenced Codes, states:

*"**104.4 Referenced Codes.** The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of such reference."*

Commentary by the International Code Council:
"The International Code Council promulgates a complete set of codes to regulate the built environment. These codes are coordinated with each other so as not to contain conflicting provisions. When the code is adopted by a jurisdiction, the codes that regulate a building's electrical, fuel gas, mechanical and plumbing systems are also included in the adoption and are considered part of the code. The International Property Maintenance Code and the IFC are also referenced and enable the building official to address unsafe conditions in existing structures. Various other sections of the code also specifically mention these codes. Note that these codes are listed in Chapter 35 and further identified by the specific year of issue. Only that edition of the code is legally adopted and any future editions are not enforceable. The issuance of new editions of all the International Codes occurs concurrently and new editions of the referenced codes are adopted with each new edition of the building code. Adoption is done in this manner so that there are not conflicting provisions in these codes."

As stated in the commentary provided above, the adoption of the IBC covers adoption of all of other applicable codes. Future ordinance revisions to the Dover Code could be simplified by making statements such as:

ARTICLE IV. MECHANICAL CODE*

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***Cross references:** Heating and refrigerating facilities required in dwelling units, § 10-43; required mechanical ventilation required in certain dwelling units, § 10-47; central heating plants in place of public assembly, § 10-106.

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Sec. 5-56. Adopted.

(a) The International Mechanical Code, with the exception of the administrative provisions contained in Chapter 1, as referenced in the currently adopted International Building Code, shall be adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Dover.

Instead of the language in the Current Dover Code, which is as follows, and which must be updated every time a new edition of the code is adopted. This was necessary when the codes were not published concurrently by the same organization. Future revisions to this section of the Dover Code, and similar sections for plumbing and property maintenance would become unnecessary.

(a) That certain documents, three (3) copies of which are on file in the office of the department of inspections and the City of Dover, being marked and designated as the International Mechanical Code, including Appendix Chapter "A", as published by the International Code Council, be and is hereby adopted as the code of the City of Dover for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Dover and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 1998 edition, published by the International Code Council, on file in the office of the City of Dover are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(b) The following sections of the International Mechanical Code are hereby revised:

Section 101.1. Insert: "City of Dover, DE" in place of "name of jurisdiction".

Section 106.5.2. Insert: "Section 5-61 " in place of "in the following schedule".

Section 106.5.3. Deleted in its entirety.

Section 108.4. Insert: "misdemeanor" in place of "offense"; "One Hundred ($100) Dollars" in place of "dollar amount"; "thirty (30) days" in place of "number of days".

Section 108.5. Insert "one hundred ($100) in place of "amount" in two (2) places.

Section 109. Deleted in its entirety.

Chapter 16, Codes. Insert "BNBC-96 BOCA National Building Code" in place of "Building Code"; and "BNNFPC-96 BOCA National Fire Prevention Code" in place of "Fire Prevention Code".

(c) If any section, subsection, sentence, clause or phrase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed the ordinance from which this section derives, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(Ord. of 4-9-84, § 2; Ord. of 3-11-91; Ord. of 4-25-94; Ord. of 1-27-97; Ord. of 3-13-00)

Revisions to the Building Code – Summary

Code to be adopted:
The International Building Code, 2003 Edition, as published by the International Code Council.

Sections to be revised:

Section 101.1 Title. Insert "City of Dover, DE" in place of *"[NAME OF JURISDICTION]"*

Section 105.2. Work exempt from permit. *Delete Section in its entirety.*

This section exempts a number of items from permit requirements that must be reviewed for compliance with the Zoning Ordinance. There are adequate definitions contained in further sections and in the residential code to make this section unnecessary.

SECTION 106 CONSTRUCTION DOCUMENTS

Section 106.1. Insert: "for new construction, alterations, repairs, expansion, additions or modifications of buildings or structures, which involve the practice of architecture or engineering, as defined by the professional registration laws of the State of Delaware shall be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration or licensing laws, statutes, regulations or administration provisions of the State of Delaware.", in place of, *"shall be prepared by a registered design professional where required by the statues of the jurisdiction in which the project is to be constructed."*

There is no statutory requirement contained in the Dover Code which governs either engineering or architecture. Both are licensed and defined in State Law.

Section 108.3. Insert: "see Section 5-21 Fees for permits" in place of, *"in accordance with the schedule as established by the applicable governing authority".*

Section 112 BOARD OF APPEALS, *Delete Section in its entirety.*

This Section is defined in Dover Code Section 5-3. Construction code appeals committee.

Section 113.4 Violation Penalties. Insert: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code shall be charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine of not less than $100.00 or more than $10,000.00, or by imprisonment thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. In place of: *"Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.*

This is to keep the Code consistent with the enforcement that was provided for in the past versions of the code with the addition of penalties that exceed those that are currently listed. Formerly the code specified a maximum fine of $100 for all violations. In some situations this has proven to be an inadequate deterrent to those who may repeatedly proceed with construction in violation of the Code.

Section 114.3 Unlawful continuance. Insert: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be charged with a violation of this section and shall be fined according to the following schedule: $100.00 for any first offense; $250.00 for any second offense; $500 for any third offense; and no less than $1000.00 no more than $10,000.00 for any fourth and subsequent offense. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines according to the foregoing schedule. Each day that a violation continues shall be deemed a separate offense., in place of: *"Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be subject to penalties as prescribed by law."*

See above justification for Section 113.

The following 2 sections apply to Flood Related:
Section 1612.3. Insert: "Kent County" in place of, *"[INSERT NAME OF JURISDICTION]*"

Section 1612.3 Insert: "May 5, 2003",in place of, *"[INSERT DATE OF ISSUANCE]"*

Existing Buidings:
Section 3410.2. Insert: April 4, 1984 in place of *[DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION].*

Revisions to the Residential Code – Summary

Code to be adopted:
The International Residential Code, 2003 Edition, as published by the International Code Council.

Sections to be revised, added or deleted:

Section 101.1 Title. Insert "City of Dover, DE" in place of *"[NAME OF JURISDICTION]"*

Section 105.2. Work exempt from permit. Modify as follows:

Building:

1. One story detached accessory structures, provided the floor area does not exceed ~~200~~ 24 square feet ~~(18.58~~ 2.23 ~~m²~~).
~~2. Fences not over 6 feet (1829mm) high.~~
~~3. Retaining walls that are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.~~
~~1.~~ ~~Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.~~
~~5.~~ 2. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
~~6.~~ 3. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
~~7.~~ 4. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
~~8.~~ 5. Swings and other playground equipment accessory to a one or two-family dwelling.
~~9.~~ 6. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

There are required setbacks contained within the Zoning Ordinance that are contradictory to these exemptions.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in ~~one or more~~ two sets, with each application for a permit~~. The construction documents shall be prepared by a registered design professional where required by the statues of the jurisdiction in which the project is to be constructed.~~ Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

The State Regulations for Architects and Engineers allow an exemption for Residential construction. This simply brings this portion of the Code into agreement with the State regulations.

SECTION R108 FEES

R108.2 Schedule of permit fees. Insert: "see Section 5-21 Fees for permits", in place of, *"in accordance with the schedule as established by the applicable governing authority".*

SECTION R112 BOARD OF APPEALS *Delete Section in its entirety.*

SECTION R113 VIOLATIONS

Modify
Section R113.4 Violation Penalties. Insert: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code shall be charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine of not less than $100.00 or more than $10,000.00, or by imprisonment thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. In place of: *"Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.*

This is to keep the Code consistent with the enforcement that was provided for in the past versions of the code with the addition of penalties that exceed those that are currently listed. Formerly the code specified a maximum fine of $100 for all violations. In some situations this has proven to be an inadequate deterrent to those who may repeatedly proceed with construction in violation of the Code.

SECTION R114 STOP WORK ORDER
Section R114.3 Unlawful continuance. Insert: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be charged with a violation of this section and shall be fined according to the following schedule: $100.00 for any first offense; $250.00 for any second offense; $500 for any third offense; and no less than $1000.00 no more than $10,000.00 for any fourth and subsequent offense. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines according to the foregoing schedule. Each day that a violation continues shall be deemed a separate offense., in place of: *"Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be subject to penalties as prescribed by law."*

See above justification for Section 113.

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost line depth	Termite	Decay					
25	95 Gust 77 Fastest	A	Severe	24"	Moderate to Heavy	Slight to Moderate	14°	NO	May 5, 2003	450	55°

The information in this Table has been referred to in previous adoption of the code as, "Based solely on conditions set forth in Figures 301.2(1) through 301.2(8)." Those figures [301.2(1) etc.] do not contain all of the information required for the table. Information comes from references to other codes, the National Flood Insurance Program, the National Climatic Data Center and historical data.

CHAPTER 4 FOUNDATIONS

SECTION R403 FOOTINGS

Revise as follows:

R403.1.1 Minimum size. ~~Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table 401.4.1. Spread footings shall be at least 6 inches in thickness. Footing projections, P, shall be at least 2 inches and shall not exceed the thickness of the footing.~~ The minimum thickness of a footing shall be the nominal width of the wall but not less than 8 inches. The nominal width of the footings shall be twice the nominal thickness of the wall. Two story sections of a building shall have a minimum footing width of 24 inches and a minimum footing depth of 10 inches. The size of footings supporting piers and columns shall be based on the tributary load and allowable pressure in accordance with Table 401.4.1.,but in all cases shall be a minimum of 24 inches x 24 inches x 12 inches deep. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

There have never been specific requirements for footings in the building code. The reason for specification is that not all land in the City has the same bearing capacity. That which is suitable for one type of soil may not be for others. The minimum proposed to be specified was originally determined acceptable for all of the building conditions within Kent County and will prove to be acceptable for the City of Dover.

R403.1.2 Continuous footings in Seismic Design Categories D1 and D2. *Delete in its entirety and Insert:*
R403.1.2 Footing reinforcement. Footings shall be reinforced with a minimum of two #4 rebar wired together with a minimum 15" overlap; pier footings with a minimum of two #4 rebar wired together in two directions, and column footings with three #4 rebar wired together in two directions.

R403.1.3 Seismic reinforcing. *Delete in its entirety*

R403.1.4 Minimum Depth. All exterior footings shall be placed at least ~~12~~ 24 inches below the undisturbed ground. Where applicable, the depth of the footings shall also conform to Sections R403.1.4.1 through R403.1.4.2.

403.1.4.1 Frost protection.

Exceptions:

2. Freestanding residential accessory structures with an area of ~~400~~ 240 square feet or less and an eave height of 10 feet or less, except for pole buildings and garages, shall not be required to be protected provided that they are leveled and secured with tie-downs or equivalent manufactured home fastening devices on each corner. Structures 20 feet or more in length shall have additional anchors attached in the center of each side.

3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line. Single story supported in part by a dwelling and with 4" x 4" posts shall have footings that are a minimum of 8 inches in diameter; with 6" x 6" posts a minimum of 12" diameter is required; the bottom of all such footings shall be a minimum of 24" below finished grade and be at least 6" deep.

Revisions to the Mechanical Code – Summary

Code to be adopted:
The International Mechanical Code, 2003 Edition, as published by the International Code Council.

Sections to be revised, added or deleted:

Section 101.1 Title. Insert "City of Dover, DE" in place of *"[NAME OF JURISDICTION]*"

SECTION 106.6 Fees

106.5.2 Fee Schedule. Insert: "See Section 5.61 Heating, air conditioning, and heat pump permit fees", in place of, *The fees for all mechanical work shall be as indicated in the following schedule:*
[JURISDICTION TO INSERTAPPROPRIATE SCHEDULE]".

Section 106.5.3 Fee refunds. Delete in its entirety.

SECTION 108 VIOLATIONS

Modify:
Section 108.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than $100.00 or more than $10,000.00, or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous and unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ fined according to the following schedule: $100.00 for any first offense; $250.00 for any second offense; $500 for any third offense; and no less than $1000.00 no more than $10,000.00 for any fourth and subsequent offense. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines according to the foregoing schedule. Each day that a violation continues shall be deemed a separate offense.

SECTION 109 MEANS OF APPEAL *Delete Section in its entirety.*

Revisions to the Plumbing Code – Summary

Code to be adopted:
The International Plumbing Code, 2003 Edition, as published by the International Code Council.

Sections to be revised, added or deleted:

Section 101.1 Title. Insert "City of Dover, DE" in place of *"[NAME OF JURISDICTION]*"

SECTION 106.6 Fees

Section 106.6.2 Fee Schedule. Insert: "See Section 5.75 Permit Fees", in place of, "*The fees for all plumbing work shall be as indicated in the following schedule: [JURISDICTION TO INSERTAPPROPRIATE SCHEDULE]".*

Section 106.6.3 Fee refunds. Delete in its entirety.

SECTION 108 VIOLATIONS

Modify as follows:
Section 108.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than $100.00 or more than $10,000.00, or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous and unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~ fined according to the following schedule: $100.00 for any first offense; $250.00 for any second offense; $500 for any third offense; and no less than $1000.00 no more than $10,000.00 for any fourth and subsequent offense. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines according to the foregoing schedule. Each day that a violation continues shall be deemed a separate offense.

SECTION 109 MEANS OF APPEAL *Delete Section in its entirety.*

Revisions to the Property Maintenance Code – Summary

Code to be adopted:

The International Mechanical Code, 2003 Edition, as published by the International Code Council.

Sections to be revised, added or deleted:

Section 101.1 Title. Insert "City of Dover, DE" in place of *"[NAME OF JURISDICTION]"*

SECTION 111 MEANS OF APPEAL *Delete Section in its entirety.*
This Section is defined in Dover Code Section 10.5. Housing code board of appeals.

Section 304.14 Insect screens. Insert: "March 1st to November 30th" in place of "[date] to [date]".

Section 602.3 Heat supply. Insert: "September 15th to May 1st" in place of "[date] to [date]".

Section 602.4. Occupiable work spaces. Insert: "September 15th to May 1st" in place of "[date] to [date]".

The Section of the Dover Code that refers to the Electric Code is as follows:

Article III. Electrical Installations

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***Charter references:** Power of city to regulate use of electric current furnished by city, Subpart A, § 25.

Cross references: Electrical outlets in dwelling units, § 10-45; city electric utility, § 22-16 et seq.

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Sec. 5-31. Electrical code adopted.

(a) There is hereby adopted by reference for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs, that certain code known as the "National Electrical Code" as recommended by the National Fire Protection Association, being particularly the 1990 edition thereof, of which not less than three (3) copies have been and now are filed in the office of the building inspector and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling for all electrical wiring and apparatus in building, structures, or outdoor electrical displays, or signs within the city.

(b) It shall be unlawful for any person to violate any of the provisions of the code adopted in subsection (a).

(Ord. of 10-23-72, § 1; Ord. No. 3-11-91)

Inasmuch as the City does not issue permits or do inspections of electrical installations it is proposed that the above portion of the Dover Code be modified to make reference to the National Electrical Code, but not a specific edition of it, to allow for the current edition of the National Electrical Code to be utilized by electrical contractors and third party inspection agencies without requiring the City to maintain copies of the code, as follows:

(a) There is hereby adopted by reference for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs, that certain code known as the "National Electrical Code" as recommended by the National Fire Protection Association, ~~being particularly the 1990 edition thereof, of which not less than three (3) copies have been and now are filed in the office of the building inspector~~ and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling for all electrical wiring and apparatus in building, structures, or outdoor electrical displays, or signs within the city.

(b) It shall be unlawful for any person to violate any of the provisions of the code adopted in subsection (a).

(Ord. of 10-23-72, § 1; Ord. No. 3-11-91)

The following is an draft outline of a possible Vacant Building Ordinance modeled on our existing ordinance and five or six ordinances that have been reviewed.

Chapter 10: Article VI Vacant Buildings

10-99A Intent

Purpose – state as to why we are doing this how is the public good and safety advanced.

Applicability -what kind of vacant properties will be covered by this, establish the requirement that vacant properties be registered for monitoring.

Definitions – as needed, particular how do we define vacant

10-99 *Monitoring Inspection Standards* (See St. Paul 43-05)
Security
Meet Exterior Property Maintenance Codes
Fire Hazards
(This is not standard in all ordinances, but the idea might be to require periodic inspections even though vacant; as little as once per year like our Annual Housing Inspections for rentals or more often)

10-100 *Agent - Responsible Person* - Like our Rental License Code we want to require that there be a responsible person locally, if the owner is not local then must have a local agent who will be responsible. Either the owner or agent can Register the property, or if failure to register then the city official can register the property.

10-101 Monitoring Permits & Fees: Registration Owner or City – See Missouri

Fees: We will need to decide with we want a single fee or different fees based on the type of building (atypical from our survey)such as :

(a) Residential
(b) Commercial
(c) Industrial

(d) Boarded – some city require a higher fee if the property is board up and perhaps a penalty rather than a fee

(e) Time – some cities require higher fees for each year it stays vacant

Failure to pay – Like our rental License Code we want to be able to attach any fee owed as a lien on the property, and if further failure to pay then be able to sale the property at sheriff auction to collect the fee.

10-101 *Exemptions:* We will need to decide what properties are exempt from the provisions, most cities have exemptions for certain periods of time. Some possible exemptions:

(a) Active construction activity on the site
(b) Active for sale or lease – Contact with Agent; proof of active advertising for not more than 20% above market value.
(c) Vacant for less than some period of time (We see anywhere from one year to 90 days)
(d) Fire or natural damage (Insurance Pending status)
(e) Economic hardship (we would rather the money be spent on the house)

10-103 Appeals: Housing Code Board of Appeals – An appeal of the Inspectors decision would go to the House Code Board of Appeals.

Features from Other Communities

Gualt, CA – Their code had two sections; a vacant building monitoring fee and the Long-term (90 days) boarded and vacant.

Short term: any boarded building (immediately) or any building vacant for 90 days. (Unique, no affirmative action by owner to comply) Billed by the City upon finding the property vacant. Fee is all reasonable costs for monitoring, so fee can evolve.

Long Term: (Unique: long term not allowed) No boarded up properties for longer than 90 days with exceptions (active permit, meets code and not a blight, building official determination.) Since not allowed, owner would pay admin penalties:

Admin Penalties: first 90 days, up to $1,000 penalty,
Second 90 days up to $5,000 penalty
If owner has 2 vacant properties w/in 2 years then no less than $2,000 or more than $10,000

Building Official sets the penalty based on outlined factors. Owner must be offered Admin Hearing before the building official.

St. Pau, MN – Register after 30 days, pay $250 registration fee at 1 year anniversary. A building is not vacant if it is unoccupied, secured by way of locked windows and doors, and no nuisance violations or building code violation.

Sioux Falls – 30 days after vacant the first annual payment of $200 is to be paid to register the vacant property. Payment of this registration is required prior to issuance of a building permit. New owners are required to pay the registration fee upon transfer. A Vacant Building is not a building that is code compliant and secure with locked doors and intact windows.

Missouri Model Ordinance - the State adopted a model ordinance for municipalities to use, leaving the fee up to the City, but it's a semi-annual fee. One novel approach is that it allows a city official to register the building if the owner fails to do so. Vacancy must be for six months

and have code violations to be subject to registration fee. Give municipality the right to place liens on property for failure to pay and collect through court action.

Wilmington, DE – Owner is to register if property vacant for more than 45 days. After 1 year the owner is billed an annual fee per following:

Year 1 $500; Year 2 $1,000; Yrs 3-4 $2,000; Yrs 5-9 $3,500; Yr 10 $5,000

One time waiver if active demo, rehab, or other repairs; actively marketing property for sale or lease. Vacant is no one lawfully occupies or does business in any part of the building. Most detailed on definition of owner.

Consistent concepts

Most ordinances define vacant buildings as something more than just empty. They have to have code issues or be boarded or condemned. Most ordinances allow for exemptions, such as an active building permit, perhaps fire damage, some for active contract for sale. The burden of registration is typically on the owner.