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

That Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses, Division 1 - Generally, Section 22-281 - Purpose; applicability; definitions; compliance, be amended by inserting the text indicated in bold, blue and deleting the text indicated in red strikeout as follows:

ARTICLE IX. - LODGINGHOUSES

DIVISION 1. - GENERALLY

Sec. 22-281. - Purpose; applicability; definitions; compliance.

(a) Purpose. The purpose and intent of this article is to ensure public health, safety and welfare insofar as the continued occupancy and maintenance of lodginghouses operated for public use affect them. The health, safety and welfare of the occupants of the lodginghouses are of the utmost importance to the city.

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

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

Lodginghouse means a building operated principally for the temporary residence of the transient public, including but not limited to hotels, motels, inns, boardinghouses, rooming houses, tourist homes, and dormitories.

(d) Compliance. No person shall operate, occupy or let to another for occupancy any lodginghouse which is not in compliance with this chapter. No person shall operate, occupy or let to another for occupancy any lodginghouse unless it is clean and sanitary, and complies with the requirements of this article.

(Code 1981, § 10-61; Ord. of 4-10-2000)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses, Division 2 - Permit, Section 22-303 - Suspension, be amended by inserting the text indicated in bold, blue and deleting the text indicated in red strikeout as follows:

Sec. 22-303. - Suspension.

(a) Grounds; duration. The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when he determines that the lodginghouse or the premises surrounding the lodginghouse fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto. Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been
reversed on appeal.

(b) **Notice to owner.** Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) **Appeal.** Any owner or operator of any lodginghouse, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225-1.

(d) **Effect of appeal.** Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section 22-225-1, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

(Code 1981, § 10-78; Ord. of 4-10-2000)

**BE IT FURTHER ORDAINED:**

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 1 - Generally, Section 22-331 - Purpose; applicability; definitions; compliance, be amended by inserting the text indicated in bold, blue and deleting the text indicated in red strikeout as follows:

**CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS**

**ARTICLE X. - RENTAL DWELLINGS**

**DIVISION 1. - GENERALLY**

Sec. 22-331. - Purpose; applicability; definitions; compliance.

(a) **Purpose.** The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character in which these dwelling units are located.

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

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

(1) Criminal activity is defined as any crime classified by applicable law as a (a) felony, (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: § 601-Offensive touching, § 602-Menacing, § 628-Vehicular assault 3, § 763-Sexual harassment, § 764-Indecent exposure, § 811-Criminal mischief, § 812-Graffiti, §
76 820-Trespassing, § 821/2/3-Criminal trespassing, § 1105-Crime against a vulnerable
77 adult, § 1106-Unlawfully dealing with a child, § 1301-Disorderly conduct, §
78 1313-Maliceus interference with emergency communications, § 1315-Public
79 intoxication, § 1321-Loitering, § 1322-Criminal nuisance, § 1323-Obstructing of
80 public passage, § 1341-Lewdness, § 1342-Prostitution, § 1343-Patronizing a
81 prostitute, § 1445-Unlawfully dealing with a dangerous weapon, § 1446-Unlawfully
82 dealing with a switchblade knife.

(2) Dwelling unit means a single unit providing complete independent living facilities
83 for one or more persons, including permanent provisions for living, sleeping, eating,
84 cooking and sanitation.

(3) Multiple-family dwellings means dwelling units operated as a group, and located in
85 the same building. This shall include apartments, roominghouses, condominium
86 dwelling units, and accessory apartments located within structures principally used
87 for owner occupancy.

(4) Rental dwelling means a dwelling unit that is leased for occupancy to a person or
88 persons in exchange for monetary payment or provision of goods or services to the
89 owner of the dwelling unit.

(5) Single-family dwellings means dwelling units operated singly, and separated from
89 other units. In general, this definition shall apply to single-family detached dwellings;
90 mobile homes and manufactured homes; and attached units, including duplexes and
91 townhouses.

(d) Compliance required. No person shall operate, occupy or let to another for occupancy any
92 dwelling which is not in compliance with the International Property Maintenance Code
93 adopted in section 22-221 and all other applicable codes.

(e) Fines. Fines for violation of this Section shall be as imposed in Appendix F - Fees and
94 Fines, Chapter 1 - General Provisions.

(Code 1981, § 10-86; Ord. of 4-10-2000; Ord. No. 2013-04, 4-8-2013; Ord. No. 2016-16 , 8-8-2016)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, Division 2 -
Permit, Section 22-352 - Suspension, be amended by inserting the text indicated in bold, blue and
deleting the text indicated in red strikeout as follows:

Sec. 22-352. - Suspension.

(a) Grounds; duration. The building inspector shall suspend the permit issued or withhold the
109 permit paid for, pursuant to this division, when:

(1) The building inspector determines that any dwelling or the premises surrounding the
dwelling fails to meet the requirements of this chapter or any rule or regulation issued
pursuant thereto;

(2) The failure of the property owner or property manager to initiate and prosecute in
good faith eviction proceedings following notification by the city that the terms of the safe communities lease addendum have been violated; or

(3) The failure of the property owner or property manager to attend a safe communities seminar when required by section 22-371(b).

Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed.

(b) Notice of violations. Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

c) Appeal. Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225.

d) Effect of appeal. Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section 22-225, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

4-8-2013)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, be amended by inserting a new Division 4 - Short-tem Rentals, as follows:

DIVISION 3. - SHORT-TERM RENTALS

Sec. 22-370. - Purpose; applicability; definitions; compliance

(a) Purpose. The City of Dover wishes to permit the limited and temporary rental use of single family residences in established areas of the City as an economic asset, allowing for increased travel, visitation and tourism and affording property owners of the opportunity to earn revenue from such occupancy, while ensuring that such uses do not become a nuisance, that neighborhood character is not compromised, and that such businesses are properly operated and maintained. The purpose of this Division shall be to minimize public safety risks and noise, trash and parking problems often associated with short-term rentals; to ensure that traditional neighborhoods are not turned into tourist areas to the detriment of long-term residents; and to ensure that individual dwellings are not turned into pseudo hotels or party houses.

(b) Applicability: Short-term Rental (STR) uses shall be allowed in any single-family zoning district in the City, but not allowed in any multi-family or apartment district. Such uses are allowed by right and do not require a variance or conditional use. STR uses are not allowed in commercial or any other non-residential zones.
Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:

(1) Good Neighbor Brochure means a document provided by the owner to the guests or guests and containing: the name and telephone number for the owner; notification on standards of behavior and occupancy relating to parking, noise, trash collection, waste disposal, street maintenance, snow removal, and public safety services and including contact and web access information; and such other information as the City may for time to time prescribe.

(2) Guest or guests means the individual or individuals renting the short-term rental for the purposes of staying overnight.

(3) Local contact person means an individual other than the owner who shall be available by telephone for the purpose of immediately responding to complaints related to the short-term rental and taking remedial action to resolve such complaints.

(4) Owner means the person or persons holding legal or equitable title to the property being offered as a short-term rental.

(5) Short-term Rental (STR) means rental of all or part of a residential dwelling unit for a duration of occupancy of less than 30 days.

(d) Compliance: No person shall operate, offer for occupancy or let to another for occupancy as a short-term rental any dwelling which is not in compliance with is Article or any other applicable codes.

Sec. 22-371. - Registration and Inspection Requirements

(a) The Owner of any dwelling proposed for a short-term rental must obtain an annual Short-term Rental (STR) license and pay a license fee as established by the City of Dover.

(b) An inspection by the City of Dover Code Inspection Department shall be required to determine compliance with City Property Maintenance, Life Safety and Building Codes. Any items in non-compliance shall be remedied before a license shall be granted.

(c) The rental license must be kept current during anytime the dwelling is offered as a Short-term Rental.

(d) The license shall be valid for up to one year and must be renewed no later than January 31 of each year of continued operation.

(e) The Short-term Rental (STR) License must be clearly displayed inside the dwelling along with any state licenses or permits.

(f) The Short-term Rental (STR) license may not be transferred to any party except heirs and assigns and shall be void upon transfer of ownership of the property where the STR is located.

(g) No uses otherwise not allowed in zone shall be permitted under the STR license.
(h) Short-term Rental’s (STR’s) may be located no closer than 1,000 (one thousand) feet in any
direction from any other STR in existence and properly licensed.

Sec. 22-372. - Owner obligations and responsibilities. An owner of a dwelling seeking to use
a property as a short-term rental (STR) shall comply with the following obligations and
responsibilities:

(a) The Owner of the property being used as a short-term rental must be a permanent resident
of the City of Dover and must reside in the dwelling when it is not being used as a short-
term rental (STR). Determination of residency shall be based on meeting voting and/or
school residency eligibility.

(b) The Owner must provide the name and phone number of a local contact person to address
complaints on a 24/7 basis when the dwelling is being rented.

(c) A "Good Neighbor" brochure must be provided in the dwelling listing City provisions as
required.

(d) The Owner must demonstrate arrangements for trash and property maintenance.

(e) The Owner shall provide information regarding the short-term rental (STR)
ownership/rental information/notice provisions to all neighbors within 500'of the property
boundary.

(f) The Owner has the responsibility to not knowingly allow any illegal or criminal activity
on the property, and failure to do so may be grounds for revoking the rental license.

(g) The Owner is solely responsible for utility charges and for damage to any City property,
roadway, or public facility.

Sec. 22-373. - Limitations on occupancy and use.

(a) The number of guests permitted at any time shall not exceed twice the number of bedrooms
(i.e. 3 bedrooms x 2 = 6 occupants), with a maximum of 8 occupants at any one time
regardless of number of bedrooms available.

(b) No more than 1 extra vehicle per bedroom beyond the base number allowed in the zoning
district, not to exceed 6 in total; all parking shall comply with all requirements relating to
street maintenance, fire access, parking on paved surfaces, trash collection, obstacles to
travel, etc. Violations shall be ticketed offenses.

(c) Signage identifying the short-term rental (STR) shall be limited to one sign, mounted on
the dwelling, not illuminated, and not to exceed one (1) square feet in size overall.

(d) Quiet hours must be observed (10:00 p.m. - 8:00 a.m. weeknights/12:00 p.m. - 8:00 a.m.
weekend nights).

(e) No meals are to be provided or served but access to a kitchen is permitted as part of the
rental.

(f) Access to a full bath must be provided.
(g) Maximum number of rented days offered for short-term rental, regardless of number of separate rentals, is limited to 30 (thirty) days total per calendar/license year.

(h) Guests shall be prohibited from further subletting the dwelling.

(i) Weddings, graduation parties, corporate events, commercial functions, large gatherings, or other special events shall be prohibited unless a City of Dover Special Event Permit shall have been granted for a specific activity and date.

(j) The guests shall not create a public nuisance to include but not limited to creating noise, causing odors, permitting an unsafe condition, disorderly conduct, generation of trash, or other behavior which unreasonably disturbs the peace, safety and general welfare of the neighborhood.

Section 22-347. Enforcement, Fees and Penalties, Reporting.

(a) Payment of a short-term rental (STR) license fee is required annually beginning January 1 of each year; the fee will be prorated for a partial year, as provided for in Appendix F—Fees and Fines

(b) Penalties and fines for poor management or failure to register and obtain a license shall be as provided for in Appendix F—Fees and Fines.

(c) A property cited three times as a nuisance or the location of illegal or criminal activity by any City department within any consecutive 12-month period shall have its short-term rental (STR) license suspended for not less than the rest of the year or a longer period up to permanently.

(d) The Owner shall be required to report to the City as required annually documenting the occupancy and frequency of rentals obtained, such report to be due not later than January 31 of the following year.

*(suggesting $100 for first offense; $300 for second offence and $500 for any subsequent office or suspension of the license for 24 months or permanently).

Section 22-348. Revenue Matters.

(a) The Owner shall be required to submit to the City Manager's Office an annual financial report each year documenting the rental income derived.

(b) Rental income derived from STR uses shall be subject to the City of Dover Lodging Tax, payable by July 1 of each year (as applicable)

(c) Failure to report and pay the required Lodging Tax constitutes fraud subject to suspension of license, fines, liens, or other legal actions.

Section 22-349. Enforcement, Notice and Appeals.

Violations of this Division shall be as set forth in Section 22-XXX (whatever id already in Chapter 22 should be referenced here by section number)

Section 22-360 Severability and Effective Date (repeat wording or reference what is already in Chapter 22)
BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions, be amended by deleting the word nonprofit from the definition of Family, as follows:

Family: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, or not more than one boarder or roomer, not related by blood, marriage or adoption, shall not be considered to constitute one family.

ADOPTED: *

SYNOPSIS

This Ordinance recognizes that Short Term Rentals are an economic asset, allowing for increased travel, visitation and tourism and affording property owners the opportunity to earn revenue from such occupancy, while setting forth the purposes and establishing regulations to ensure that such uses do not create public safety risks or become nuisances. The Ordinance establishes an annual licensing process and sets forth owner's rules, responsibilities and obligations with limits on frequency of rental and occupancy. It provides safeguards to protect established neighborhoods, address nuisances, provide notice, and address complaints. It also includes provisions for reporting, enforcement and penalties for violations. Finally, it makes corrective amendments in the Code to ensure consistency.

(SPONSORS: HARE AND HUGG)

Actions History

05/11/2020 - Staff Substitute Scheduled for Introduction - City Council
02/25/2020 - Introduced - Council Committee of the Whole/Legislative, Finance, and Administration Committee (referred back to Staff)