



ORDINANCE #2025-17

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

That Chapter 98 – Streets, Sidewalks, Storm Sewers, and Other Public Places, Article I – In General, be amended to read as follows:

Sec. 98-5. – Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way.

- (a) It shall be unlawful for the owner, occupant, or person having control of any property abutting upon a sidewalk to permit or allow debris or other materials to accumulate at any time so that pedestrians may conveniently and safely pass.
- (b) It is the responsibility of the owner, occupant, or person having control of any property abutting upon a sidewalk to keep the landscaped area between the sidewalk and the curblin, or where no sidewalk exists between the property line and curblin or paved street, maintained in accordance with the standards set forth in chapter 114, article II, pertaining to weeds.
- (c) Violations; penalties. Any property in violation of any provision of this section shall be fined as provided for in Appendix F—Fees and Fines.

BE IT FURTHER ORDAINED:

That Article V. – Storm sewers, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

Sec. 98-164. – Prohibited discharges into the system.

- (a) *Injurious substances.* It shall be unlawful for any person or group of persons to throw, place, or deposit, or attempt to throw, place or deposit, or cause to be thrown, placed or deposited, any article, object or substance in any of the storm sewers or into any of the inlets into the storm sewers of the city, or into any of the streets, lanes, alleys, or gutters of the streets in the city from which such article, object, or substance would be likely to enter into or run into the storm sewers of the city, which object, or substance would injure in any manner said storm sewer system or area into which such storm sewers empty.
- (b) *Definition.* Wherever the term "system" is used, such term shall be taken to include, in addition to any other meaning herein indicated, any conduits, reservoirs, ditches, grates, catch basins, storm manholes, gauges, and building or buildings and the attachments thereto wherein any such machinery or parts thereof are kept or stored.

- (c) *Tar, petroleum, etc.* It shall be unlawful to pour, drain or run into the storm sewers of the city, by any method whatsoever, any tar or tar product, or petroleum or petroleum product, or any inflammable substance or material. Trash produced by these products must be properly disposed of.
- (d) It shall be unlawful to sweep, blow, or otherwise discharge grass clippings into any street, alleyway, sidewalk, storm drain, or water course more than incidental amounts of grass. Amounts that constitute “more than incidental amounts” are at the discretion of the code official or the stormwater division personnel.
- (e) *Unauthorized non-stormwater discharges* include, but are not limited to:
- Antifreeze/transmission fluid
 - Paint
 - Solvent/degreaser
 - Grease/oil
 - Detergent
 - Home improvement waste (concrete/mortar)
 - Pet/human waste
 - Yard waste (leaves, grass, mulch)
 - Excessive dirt and gravel
 - Trash
 - Pesticides and fertilizers
 - Pool/spa waters
- (f) *Authorized non-stormwater discharges* must be in accordance with the Phase II MS4 Tier I General Permit.
- (g) *Protection of equipment.* It shall be unlawful to pour or drain into or permit the drainage into any of the storm sewers or storm sewer system of the city any substance or chemical which would hinder the proper functioning of the storm sewer system or in any way negatively impact any related permits held by the city.
- (h) *Violations; Penalties.* Any person(s) violating any provision of this section shall be fined as provided for in Appendix F – Fees and Fines.
1. First Offense. When prohibited discharges are unlawfully deposited into the stormwater system, a notice of violation will be issued with a citation in accordance with Appendix F – Fees and Fines.
 2. Second Offense. When prohibited discharges are unlawfully deposited into the stormwater system, an additional notice of violation will be issued with a citation in accordance with Appendix F – Fees and Fines.
 3. Third and Subsequent Offenses. When prohibited discharges are unlawfully deposited into the stormwater system, an additional notice of violation will be issued with a citation in accordance with Appendix F – Fees and Fines.

4. The City of Dover reserves the right to use all resources available to abate any violation that will cause immediate harm to the stormwater system. All associated costs will be billed to the property owner and/or a municipal lien will be placed against the property.

Sec. 98-165. – Authority to enter and inspect private property.

The city manager and his authorized agents shall have the authority to enter upon any lands as may reasonably be necessary to discharge their duties pursuant to this article. Pursuant to the entry, the city manager and his authorized agents shall properly discharge their duties, which may include inspection, conveyance, or removal of materials necessary for construction upon the land or improvement or repair of any drain, gutter, storm sewer, manhole, or natural watercourse.

Sec. 98-166. Violations

- (a) *Notice.* Whenever the city manager or his authorized agents shall determine that a condition exists which violates any portion of this article, the city manager or his authorized agents shall notify the property owner or occupant of the specific violation.
- (b) *Action by city.* Unless the condition is remedied within 24 hours after notice is given, the city may cause the condition to be remedied and assess the cost thereof against the property owner.
- (c) *Payment of cost.* Any person violating any of the provisions of this article shall, upon conviction thereof, pay to the city the cost of any of the repairs resulting from the violation and be subject to the penalty provided in section 1-17

Sec. 98-167. Sump Pumps.

- (a) *Testing.* All persons wishing to begin or continue discharging sump pump water to any of the storm sewers, ditches, or inlets into the storm sewers of the city or into any of the streets, lanes, alleys, or gutters of the streets via a direct connection, must submit evidence from an accredited laboratory of testing that proves that all discharges from the sump pump are uncontaminated pumped groundwater and not unauthorized non-stormwater discharges.
- (b) *Evidence.* Evidence includes a Chain of Custody from the laboratory and a final report from an accredited laboratory, on official letterhead. The sample must be tested for MBAS, Oil & Grease, and pH.

Evidence must be submitted to the Director of Public Works to maintain compliance with this ordinance.

Evidence must be submitted to:

Director of Public Works

City of Dover

5 E. Reed St

Dover, DE 19901

- (c) *Approval and Authorization.* Upon approval from the Director of Public Works, citizens will receive an authorization letter. The authorization letter will have a date of authorization and a date of expiry. Within 30 days of the date of expiry, new evidence must be submitted to the

Director of Public Works. Approval and authorization are at the full discretion of the Director of Public Works and his/her advisors.

- (d) *Unlawful discharging.* If at time it is discovered that a property is discharging its sump pump without an authorization letter, either because it was not applied for or because it has expired, a code official reserves the right to issue a notice of violation and order testing. The code official reserves the right to terminate all discharges pending the outcome of testing. The cost of any required testing shall be the responsibility of the property owner. All related costs shall be billed against the property and/or placed on the municipal lien docket for collection.
- (e) *Penalties.* If at any time it is discovered that a property is discharging its sump pump without an authorization letter, either because it was not applied for or because it has expired, a code official reserves the right to issue a notice of violation, order testing, and cause for the immediate termination of discharging pending the outcome of the investigation. All fines and fees will be charged in accordance with Appendix F.
1. *Initial Inspection.* When discharge of a sump pump is discovered without an authorization letter, the code official will issue a letter of violation and require testing. In the event the results are returned that the discharge is uncontaminated, pumped groundwater, and not an unauthorized non-stormwater discharge, the property owner will be issued an authorization letter.
 2. *First Occurrence.* In the event the results are returned that the discharge is an unauthorized non-stormwater discharge, a notice of violation letter will be sent to the property owner, and a citation will be issued in accordance with Appendix F. The maximum time for compliance shall be 30 days from the date of each notice of violation.
 3. *Second Occurrence.* In the event the results are returned that the discharge is an unauthorized non-stormwater discharge, and/or the discharge continues, a notice of violation letter will be sent to the property owner and a citation will be issued in accordance with Appendix F. The maximum time for compliance shall be 30 days from the date of each notice of violation.
 4. *Third and Subsequent Occurrence(s).* In the even the results are returned that the discharge is an unauthorized non-stormwater discharge, and/or the discharge continues, a notice of violation letter will be sent to the property owner and a citation will be issued in accordance with Appendix F. The maximum time for compliance shall be 30 days from the date of each notice of violation.
- (f) *Definition.* Uncontaminated pumped groundwater is any discharge from a sump pump that is proven not to be unauthorized non-stormwater discharge.

Secs. 98-168 – 98-220. – Reserved.

BE IT FURTHER ORDAINED:

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

Chapter 98. – Streets, Sidewalks, Storm Sewers, and Other Public Places

Chapter 98. Streets, Sidewalks, Storm Sewers, and Other Public Places	Fees and Fines
<i>Article I. In General</i>	
Sec. 98-5. Duty of tenants or owners to maintain sidewalks and landscaped areas within the street right-of-way	\$100.00 per violation
Sec. 98-11. Placement of wireless communications facilities within rights-of-way (c) Use of Rights-of-Way Permit	
(1) Permit Fee	\$25.00 for ROW Permit
(2) Annual Fee for Rights-of-way Use	No charge for WCF placement on existing City owned wireless support structure in City ROW \$220.00 for Placement of new wireless support structure/pole in City ROW \$220.00 for WCF placement on a third party/non-City wireless support structure/pole in City ROW
Sec. 98-12. Snow and ice removal from sidewalks in the public right-of-way.	
(c) Violations; penalties	\$50.00 per violation
Article V. Storm Sewers	
Sec. 98-164. Prohibited discharge into the system	
First Offense	\$250.00
Second Offense	\$500.00
Third and subsequent offense(s)	\$1,000.00
Sec. 98-167. Sump pumps	
Failure to renew or apply for authorization	\$100.00
First occurrence of unauthorized non-stormwater discharge	\$250.00
Second occurrence of authorized non-stormwater discharge	\$500.00
Third and subsequent occurrence(s) of unauthorized non-stormwater discharge	\$1,000.00
<i>Article VI. Excavations</i>	
Sec. 98-253. Bond	Maximum of \$5,000.00 per opening
<i>Article VII. Parades</i>	

SYNOPSIS

This Ordinance shall take effect on the first day of July after passage and approval.

(SPONSORS: ANDERSON and HUGG)

Action History

01/12/2026 – Final Reading – City Council

12/08/2025 – First Reading – City Council

11/25/2025 - Introduction – Council Committee of the Whole/ Legislative, Finance, and Administration Committee