CITY OF DOVER, DELAWARE
SPECIAL COUNCIL MEETING
Thursday, November 20, 2025 at 6:00 PM

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

VIRTUAL MEETING NOTICE

This meeting will be held in the City Hall Council Chambers with electronic access via WebEx. Public participation information is as follows:

Dial: 1-650-479-3208
Link: https://tinyurl.com/4acncfn4
Event number: 2535 362 5518
Event password: DOVER (if needed)

If you are new to WebEx, get the app now at https://www.webex.com/ to be ready when the meeting starts.

ADOPTION OF AGENDA

PUBLIC HEARINGS - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE (Staff Recommends: 1) Declaring these buildings and all accessory structures on these properties dangerous; 2) Ordering the properties demolished or repaired by December 22, 2025, by the owners or equity owners at their own risk; 3) Ordering the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) Ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owners)

1. **Properties Located at:**

   A. 29 S. New Street

   B. 111 S. Queen Street

   C. 303 W. Division Street

   D. 415 W. Division Street

ADJOURNMENT OF SPECIAL COUNCIL MEETING

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

CITY OF DOVER, DELAWARE
COUNCIL ACTION FORM

PROCEEDING: City Council Approval

DEPARTMENT OF ORIGIN: Planning, Inspections, and Community Development- Code Enforcement

DATE SUBMITTED: October 31st, 2025

PREPARED BY: Eddie Kopp, CCEO, Chief Code Enforcement Officer

SUBJECT: 29 South New Street – Violation of the Dangerous Building Ordinance

REFERENCE: Chapter 22, Article XI- DANGEROUS BUILDINGS

RELATED PROJECT: N/A

REVIEWED BY: David S. Hugg III, City Manager, and Sharon J. Duca P.E., ICMA-CM, Assistant City Manager/Interim Director of Planning, Inspections, and Community Development

EXHIBITS: PowerPoint presentation to be presented during the council meeting.

EXPENDITURE REQUIRED: The preliminary estimate is $ 50,000.00.
AMOUNT BUDGETED: $480,000 budget for demolitions citywide for FY26.
FUNDING SOURCE (Dept./Page in CIP & Budget): 100-11-16-20-000-53033

TIMETABLE: Immediate action requested.

STAFF RECOMMENDATION:

1. Declare the building located at 29 South New Street (ED-05-077.05-03-100.000-000) as a **Dangerous Building**.
2. Order the building and all accessory structures located at 29 South New Street (ED-05-077.05-03-100.000-000) to be repaired or demolished by **December 22, 2025,** by the owner or equity owner at their own risk.
3. If the owner **fails to comply** with the date established by City Council Order, the Division of Code Enforcement shall complete the process to cause the demolition of the structures **within 10 days of the date established by the City Council**.
4. Order the City Manager with the assistance of the City Solicitor, to cause the cost of demolition be charged against the land on which the building exists a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

- The structure located at 29 South New Street (ED-05-077.05-03-100.000-000) has been condemned since June 11th, 2025.
- The structure is deemed unfit for human occupancy; this interpretation was made by staff certified by the International Code Council in accordance with the City of Dover Code of Ordinances and the 2009 International Property Maintenance Code.
- The lack of responsiveness from the owner to correct the violations has resulted in violations remaining outstanding since 2023.
- This property is a health, safety, and fire hazard and poses a substantial risk to the neighbors, citizens, staff, and first responders.
- Due to the vacancy, the property has become a nuisance by attracting illegal activity, including vandalism, drug use, and unlawful entry.
- Staff believe failure to cause the repair or demolition of the building located at 29 South New Street will have a significant impact on the quality of life for the citizens of the City of Dover.

VIOLATION OF THE DANGEROUS BUILDING ORDINANCE 29 SOUTH NEW STREET

CITY OF DOVER PLANNING & INSPECTIONS

NOVEMBER 20, 2025

29 SOUTH NEW STREET
CASE HISTORY

- Condemned on June 11th, 2025, as unfit for human occupancy.
- Letter of Intent sent and posted September 3rd, 2025.
- Notice of Public Hearing sent and posted October 24th, 2025.
- No active utilities since June 11th, 2025.
- No active permits on file.
- No repairs have been made to the structure since the condemnation.
- Active Vacant Building case since May 6th,2025.
- Property has maintained unresolved violations since 2023.

29 SOUTH NEW STREET OUTSTANDING FEES

- Code Enforcement Fines $5,200.00
- Taxes $511.14.

29 SOUTH NEW STREET OUTSTANDING VIOLATIONS

- Dover Code of Ordinances, Chapter 22, Article XI, Section. 22-371:

(5) Unfit for habitation.

(6) Light, air, sanitation.

(7) Emergency escapes, etc.

(9) General welfare.

(10) Code violations.

(10) Unoccupied buildings.

(13) Incomplete buildings.

29 SOUTH NEW STREET OUTSTANDING VIOLATIONS

- 2009 IPMC 108.1 General.
- 2009 IPMC 108.2 Closing of vacant structures.
- 2009 IPMC 305.3 Interior surfaces.
- 2009 IPMC 305.4 Stairs and walking surfaces.
- 2009 IPMC 304.15 Doors.
- 2009 IPMC 505.1 General
- 2009 IPMC 604.1 Facilities required.
- 2009 IPMC 305.1 General.
- 2009 IPMC 302.4 Weeds.
- 2009 IPMC 704.2 Smoke alarms.
- 2009 IRC Permit required.
- 2009 IPMC 602.2 Residential occupancies.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Section 22-381- Definitions.

- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Dangerous buildings means all buildings or structures which have any or all of the following defects or uses:

1. ***Leaning interior walls***. Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. ***Damaged walls, etc.*** Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supportive enclosing or outside walls or covering.
3. ***Loads on roofs***. *Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.*

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

4. ***Fire damage, etc***. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
5. ***Unfit for habitation***. Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
6. ***Light, air, sanitation***. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
7. ***Fire escapes, etc***. Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
8. ***Loose parts***. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
9. ***General welfare***. Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

10. ***Code violations.*** Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city. Unfit for habitation.

11. ***Drug sales, use, etc.*** Those which are being used for the unlawful selling, serving, storing, giving away or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).

12. ***Unoccupied buildings.*** Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

13. ***Incomplete buildings.*** Those under construction, if the authorized work is substantially suspended or abandoned for a period of three months or more.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-382.- Standards for repair, vacation, or demolition.

- The following standards shall be followed in substance by the code official in ordering the repair, vacation, or demolition of dangerous buildings:

1. ***Repair***. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
2. ***Vacation***. If the dangerous building is in such a condition or is being used as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.
3. ***Demolition***. In any case where a dangerous building is 50 percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard, or public safety hazard as determined by the code official, or is existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it may be demolished.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-383.- Nuisance declared.

- All dangerous buildings within the terms of section 22-381 are hereby declared to be public nuisances, and shall be repaired, vacated and closed or demolished as hereinbefore and hereafter provided.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-384.- Duties of code official.

- The code official shall:

1. *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 22-381.
2. *Complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
3. *Reported violations.* Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of this article.
4. *Dangerous buildings.* Inspect such other buildings as shall from time to time come to his attention as possibly dangerous buildings within the terms of section 22-381.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5. *Notice to owner*. Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in section 22-381, that:
    a. *Duties of owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article;
    b. *Duties of occupant.* The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession;
    c. *Persons with interest.* The mortgagee, agent or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish the said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;
    d. *Appeal.* The person or entity receiving notice by the code official shall have the right to appeal his decision directly to the council and have a hearing conducted in accordance with the provisions of section 22-385 before council, provided that the notice of appeal is filed with the city clerk no later than five days after receiving notice from the code official.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

6. *Order to remedy conditions*. Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

7. *Non-compliance with notice*. Report to the council any non-compliance with the notice provided for in subsections (5) and (6) hereof.

8. *Testify at hearings*. Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

9. *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:

"This building has been found to be a dangerous building by the code official. This notice is to remain on this building unit until it is repaired, vacated and closed, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with."

10. *Orders of council.* Carry out all orders of the council to cause the repair, vacation and closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacation of the dangerous building, the code official may order the city utilities to be disconnected. In causing the closure of dangerous buildings, the code official may direct the removal from the building of all furniture, equipment and other personal property left by vacated occupants.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-385.- Hearing before council.

- The council of the city shall:

1) *Notice of hearing*. Upon receipt of a report of the code official as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and closed, or demolished in accordance with the statement of particulars set forth in the code official's notice provided for herein in section 22-384(6).

2) *Conduct of hearing*. Hold a hearing and hear such testimony as the code official or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of the city chief of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

3) *Findings*. Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 22-381.

4) *Order*. Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, vacate and close, or demolish any building found to be a dangerous building within the terms of this article, setting the time within which said building shall be repaired, vacated and closed, or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) hereof.

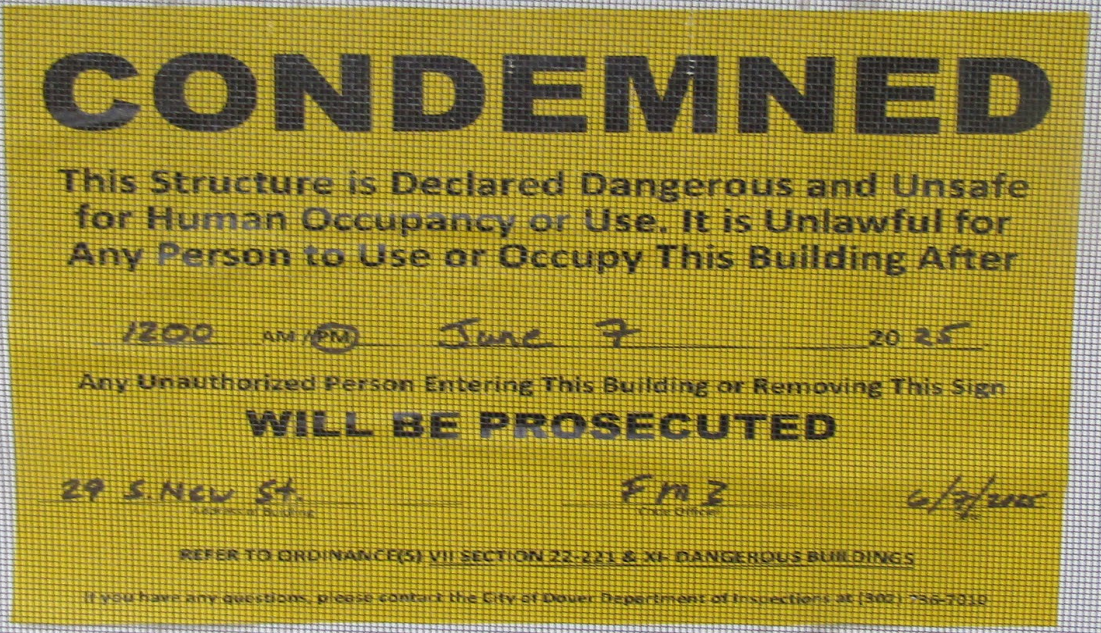
DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5) *Failure to comply.* If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor, cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health,

6) *Report to solicitor*. Report to the city solicitor the names of all persons not complying with the order provided for in subsection (4) hereof.

29 SOUTH NEW STREET
RECOMMENDED ACTION BY THE CITY COUNCIL

- Declare this building and all accessory structures on this property dangerous.
- Order the building and all accessory structures demolished before **December 22, 2025,** by the owner or equity owner at their own risk.
- Order the code official to cause the demolition of the building and accessory structures if not completed by the owner within 10 days of the date established.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.



CONDEMNED

This Structure is Declared Dangerous and Unsafe for Human Occupancy or Use. It is Unlawful for Any Person to Use or Occupy This Building After

1200 AM/(PM) June 7 20 25

Any Unauthorized Person Entering This Building or Removing This Sign

WILL BE PROSECUTED

29 S New St (Address of Building) FMZ (City Official) 6/9/2025

REFER TO ORDINANCE(S) VII SECTION 22-221 & XII DANGEROUS BUILDINGS

If you have any questions, please contact the City of Dover Department of Inspections at (302) 736-7010

06/09/2025 09:39

07/29/2025 14:02

07/29/2025 13:52

08/07/2025 15:42

09/03/2025 15:51

10/20/2025 11:32

SALE
BY OWNER
OUT
GOING
IN
COMING
10/20/2025 11:32

BEWARE
OF THE DOG
10/20/2025 11:33

10/20/2025 11:35

SPORT
10/20/2025 11:36

BAKING SODA
KILLS COLD & FLU
10/20/2025 11:36

10/20/2025 11:37

10/20/2025 11:37

10/20/2025 11:37

CITY OF DOVER, DELAWARE
COUNCIL ACTION FORM

PROCEEDING: City Council Approval

DEPARTMENT OF ORIGIN: Planning, Inspections, and Community Development- Code Enforcement

DATE SUBMITTED: October 31st, 2025

PREPARED BY: Eddie Kopp, CCEO, Chief Code Enforcement Officer

SUBJECT: 111 South Queen Street – Violation of the Dangerous Building Ordinance

REFERENCE: Chapter 22, Article XI- DANGEROUS BUILDINGS

RELATED PROJECT: N/A

REVIEWED BY: David S. Hugg III, City Manager, and Sharon J. Duca P.E., ICMA-CM, Assistant City Manager/Interim Director of Planning, Inspections, and Community Development

EXHIBITS: PowerPoint presentation to be presented during the council meeting.

EXPENDITURE REQUIRED: The preliminary estimate is $ 50,000.00.
AMOUNT BUDGETED: $480,000 budget for demolitions citywide for FY26.
FUNDING SOURCE (Dept./Page in CIP & Budget): 100-11-16-20-000-53033

TIMETABLE: Immediate action requested.

STAFF RECOMMENDATION:

1. Declare the building located at 111 South Queen Street (ED-05-077.09-01-040.000-000) as a **Dangerous Building**.
2. Order the building and all accessory structures located at 111 South Queen Street (ED-05-077.09-01-040.000-000) to be repaired or demolished by **December 22, 2025,** by the owner or equity owner at their own risk.
3. If the owner **fails to comply** with the date established by City Council Order, the Division of Code Enforcement shall complete the process to cause the demolition of the structures **within 10 days of the date established by the City Council**.
4. Order the City Manager with the assistance of the City Solicitor, to cause the cost of demolition be charged against the land on which the building exists a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

- The structure located at 111 South Queen Street (ED-05-077.09-01-040.000-000) has been condemned since February 18th,2025.
- The property was condemned due to extensive fire damage.
- The structure is deemed unfit for human occupancy; this interpretation was made by staff certified by the International Code Council in accordance with the City of Dover Code of Ordinances and the 2009 International Property Maintenance Code.
- The lack of responsiveness from the owner to correct the violations has resulted in violations remaining outstanding.
- This property is a health, safety, and fire hazard and poses a substantial risk to the neighbors, citizens, staff, and first responders.
- Due to the vacancy, the property has become a nuisance by attracting illegal activity, including vandalism, drug use, and unlawful entry.
- Staff believe failure to cause the repair or demolition of the building located at 111 South Queen Street (ED-05-077.09-01-040.000-000) will have a significant impact on the quality of life for the citizens of the City of Dover.

VIOLATION OF THE DANGEROUS BUILDING ORDINANCE 111 SOUTH QUEEN STREET

CITY OF DOVER PLANNING & INSPECTIONS

NOVEMBER 20, 2025

111 SOUTH QUEEN STREET CASE HISTORY

- Condemned due to a fire on February 17th, 2025.
- Letter of Intent sent and posted September 3rd, 2025.
- Notice of Public Hearing sent and posted October 24th, 2025.
- No active utilities since February 17th, 2025.
- No active permits on file.
- No repairs have been made to the structure since the condemnation.

111 SOUTH QUEEN STREET OUTSTANDING FEES

- Code Enforcement Fines $400.00.
- Other Fees $1459.00.

111 SOUTH QUEEN STREET OUTSTANDING VIOLATIONS

- Dover Code of Ordinances, Chapter 22, Article XI, Section. 22-371:

(1) Leaning interior walls.

(2) Damaged walls, etc.

(4) Fire Damage, etc.

(5) Unfit for habitation.

(6) Light, air, and sanitation.

(9) General welfare.

(10) Code violations.

(12) Unoccupied Buildings.

111 SOUTH QUEEN STREET OUTSTANDING VIOLATIONS

- 2009 IPMC 108.1 General.
- 2009 IPMC 102.5 Repairs, maintenance work.
- 2009 IPMC 104.2 Inspections.
- 2009 IPMC 704.2 Smoke Alarms.
- 2009 IPMC 108.2 Closing of vacant structures.
- 2009 IPMC 304.4 Structural members.
- 2009 IPMC 305.1 General
- 2009 IPMC 604.3 Electrical System Hazards
- 2009 IPMC 604.3.1 Abatement of electrical hazards associated with water exposure.
- 2009 IPMC 304.6 Exterior walls.
- 2009 IRC Permit required.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Section 22-381- Definitions.

- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Dangerous buildings means all buildings or structures which have any or all of the following defects or uses:

1. ***Leaning interior walls***. Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. ***Damaged walls, etc.*** Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supportive enclosing or outside walls or covering.
3. ***Loads on roofs***. *Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.*

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

4. ***Fire damage, etc***. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
5. ***Unfit for habitation***. Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
6. ***Light, air, sanitation***. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
7. ***Fire escapes, etc***. Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
8. ***Loose parts***. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
9. ***General welfare***. Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

10. ***Code violations.*** Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city. Unfit for habitation.

11. ***Drug sales, use, etc.*** Those which are being used for the unlawful selling, serving, storing, giving away or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).

12. ***Unoccupied buildings.*** Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

13. ***Incomplete buildings.*** Those under construction, if the authorized work is substantially suspended or abandoned for a period of three months or more.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-382.- Standards for repair, vacation, or demolition.

- The following standards shall be followed in substance by the code official in ordering the repair, vacation, or demolition of dangerous buildings:

1. ***Repair***. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
2. ***Vacation***. If the dangerous building is in such a condition or is being used as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.
3. ***Demolition***. In any case where a dangerous building is 50 percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard, or public safety hazard as determined by the code official, or is existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it may be demolished.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-383.- Nuisance declared.

- All dangerous buildings within the terms of section 22-381 are hereby declared to be public nuisances, and shall be repaired, vacated and closed or demolished as hereinbefore and hereafter provided.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-384.- Duties of code official.

- The code official shall:

1. *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 22-381.
2. *Complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
3. *Reported violations.* Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of this article.
4. *Dangerous buildings.* Inspect such other buildings as shall from time to time come to his attention as possibly dangerous buildings within the terms of section 22-381.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5. *Notice to owner*. Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in section 22-381, that:
    a. *Duties of owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article;
    b. *Duties of occupant.* The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession;
    c. *Persons with interest.* The mortgagee, agent or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish the said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;
    d. *Appeal.* The person or entity receiving notice by the code official shall have the right to appeal his decision directly to the council and have a hearing conducted in accordance with the provisions of section 22-385 before council, provided that the notice of appeal is filed with the city clerk no later than five days after receiving notice from the code official.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

6. *Order to remedy conditions*. Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.
7. *Non-compliance with notice*. Report to the council any non-compliance with the notice provided for in subsections (5) and (6) hereof.
8. *Testify at hearings*. Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

9. *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:

"This building has been found to be a dangerous building by the code official. This notice is to remain on this building unit until it is repaired, vacated and closed, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with."

10. *Orders of council.* Carry out all orders of the council to cause the repair, vacation and closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacation of the dangerous building, the code official may order the city utilities to be disconnected. In causing the closure of dangerous buildings, the code official may direct the removal from the building of all furniture, equipment and other personal property left by vacated occupants.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-385.- Hearing before council.

- The council of the city shall:

1) *Notice of hearing*. Upon receipt of a report of the code official as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and closed, or demolished in accordance with the statement of particulars set forth in the code official's notice provided for herein in section 22-384(6).

2) *Conduct of hearing*. Hold a hearing and hear such testimony as the code official or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of the city chief of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

3) *Findings*. Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 22-381.

4) *Order*. Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, vacate and close, or demolish any building found to be a dangerous building within the terms of this article, setting the time within which said building shall be repaired, vacated and closed, or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) hereof.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5) *Failure to comply.* If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor, cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health,

6) *Report to solicitor*. Report to the city solicitor the names of all persons not complying with the order provided for in subsection (4) hereof.

RECOMMENDED ACTION BY THE CITY COUNCIL

- Declare this building and all accessory structures on this property dangerous.
- Order the building and all accessory structures demolished before **December 22, 2025,** by the owner or equity owner at their own risk.
- Order the code official to cause the demolition of the building and accessory structures if not completed by the owner within 10 days of the date established.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

111
CONDEMNED
02/18/2025 10:38

09/03/2025 16:03

09/03/2025 16:03

09/03/2025 16:04

10/20/2025 11:03

10/20/2025 11:01

10/20/2025 11:02

10/20/2025 11:03

CITY OF DOVER, DELAWARE

COUNCIL ACTION FORM

PROCEEDING: City Council Approval

DEPARTMENT OF ORIGIN: Planning, Inspections, and Community Development- Code Enforcement

DATE SUBMITTED: October 31st, 2025

PREPARED BY: Eddie Kopp, CCEO, Chief Code Enforcement Officer

SUBJECT: 303 West Division Street – Violation of the Dangerous Building Ordinance

REFERENCE: Chapter 22, Article XI- DANGEROUS BUILDINGS

RELATED PROJECT: N/A

REVIEWED BY: David S. Hugg III, City Manager, and Sharon J. Duca P.E., ICMA-CM, Assistant City Manager/Interim Director of Planning, Inspections, and Community Development

EXHIBITS: PowerPoint presentation to be presented during the council meeting.

EXPENDITURE REQUIRED: The preliminary estimate is $ 50,000.00.
AMOUNT BUDGETED: $480,000 budget for demolitions citywide for FY26.
FUNDING SOURCE (Dept./Page in CIP & Budget): 100-11-16-20-000-53033

TIMETABLE: Immediate action requested.

STAFF RECOMMENDATION:

1. Declare the building located at 303 West Division Street (ED-05-076.08-05-270.000-000) as a **Dangerous Building**.
2. Order the building and all accessory structures located at 303 West Division Street (ED-05-076.08-05-270.000-000) to be repaired or demolished by **December 22, 2025,** by the owner or equity owner at their own risk.
3. If the owner **fails to comply** with the date established by City Council Order, the Division of Code Enforcement shall complete the process to cause the demolition of the structures **within 10 days of the date established by the City Council**.
4. Order the City Manager with the assistance of the City Solicitor, to cause the cost of demolition be charged against the land on which the building exists a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

- The structure located at 303 West Division Street has been condemned since November 11th, 2022.
- The structure is deemed unfit for human occupancy; this interpretation was made by staff certified by the International Code Council in accordance with the City of Dover Code of Ordinances and the 2009 International Property Maintenance Code.
- The lack of responsiveness from the owner to correct the violations has resulted in violations remaining outstanding since 2022.
- This property is a health, safety, and fire hazard and poses a substantial risk to the neighbors, citizens, staff, and first responders.
- Due to the vacancy, the property has become a nuisance by attracting illegal activity, including vandalism, drug use, and unlawful entry.
- Staff believe failure to cause the repair or demolition of the building located at 303 West Division Street will have a significant impact on the quality of life for the citizens of the City of Dover.

VIOLATION OF THE DANGEROUS BUILDING ORDINANCE 303 WEST DIVISION STREET

CITY OF DOVER PLANNING & INSPECTIONS

NOVEMBER 20, 2025

303 WEST DIVISION STREET CASE HISTORY

- Condemned on November 21st,2022, as unfit for human occupancy.
- Letter of Intent sent and posted September 3rd, 2025.
- Notice of Public Hearing sent and posted October 24th, 2025.
- No active utilities since May 4th, 2023.
- No active permits on file.
- No repairs have been made to the structure since the condemnation.
- Active Vacant Building case since March 15th,2023.
- Property has maintained unresolved violations since 2022.

303 WEST DIVISION STREET OUTSTANDING FEES

- Code Enforcement Fines $2400.00.
- Taxes $458.48.

303 WEST DIVISION STREET OUTSTANDING VIOLATIONS

- Dover Code of Ordinances, Chapter 22, Article XI, Section. 22-371:

(2) Damaged walls, etc.

(5) Unfit for habitation.

(6) Light, air, sanitation.

(7) Fire escapes, etc.

(9) General welfare.

(10) Code violations.

(12) Unoccupied buildings.

(13) Incomplete buildings.

303 WEST DIVISION STREET OUTSTANDING VIOLATIONS

- 2009 IPMC 108.1 General.
- 2009 IPMC 702.4 Smoke alarms.
- 2009 IPMC 305.3 Interior surfaces.
- 2009 IPMC 304.7 Roofs and drainage.
- 2009 IPMC 309.1 Infestation
- 2009 IPMC 702.4 Emergency escape openings.
- 2009 IPMC 304.6 Exterior walls.
- 2009 IPMC 304.13 Window, skylight, and door frames.
- 2009 IPMC 505.1 General
- 2009 IPMC 602.2 Residential occupancies.
- 2009 IPMC 604.1 Facilities required.
- 2009 IPMC 305.1 General.
- 2009 IPMC 105.3 Required testing.
- 2009 IPMC Sanitation
- 2009 IPMC 304.1 General.
- 2009 IRC Permit required.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Section 22-381- Definitions.

- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Dangerous buildings means all buildings or structures which have any or all of the following defects or uses:

1. ***Leaning interior walls***. Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. ***Damaged walls, etc.*** Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supportive enclosing or outside walls or covering.
3. ***Loads on roofs***. *Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.*

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

4. ***Fire damage, etc***. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
5. ***Unfit for habitation***. Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
6. ***Light, air, sanitation***. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
7. ***Fire escapes, etc***. Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
8. ***Loose parts***. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
9. ***General welfare***. Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

10. ***Code violations.*** Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city. Unfit for habitation.

11. ***Drug sales, use, etc.*** Those which are being used for the unlawful selling, serving, storing, giving away or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).

12. ***Unoccupied buildings.*** Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

13. ***Incomplete buildings.*** Those under construction, if the authorized work is substantially suspended or abandoned for a period of three months or more.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-382.- Standards for repair, vacation, or demolition.

- The following standards shall be followed in substance by the code official in ordering the repair, vacation, or demolition of dangerous buildings:

1. ***Repair***. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
2. ***Vacation***. If the dangerous building is in such a condition or is being used as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.
3. ***Demolition***. In any case where a dangerous building is 50 percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard, or public safety hazard as determined by the code official, or is existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it may be demolished.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-383.- Nuisance declared.

- All dangerous buildings within the terms of section 22-381 are hereby declared to be public nuisances, and shall be repaired, vacated and closed or demolished as hereinbefore and hereafter provided.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-384.- Duties of code official.

- The code official shall:

1. *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 22-381.
2. *Complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
3. *Reported violations.* Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of this article.
4. *Dangerous buildings.* Inspect such other buildings as shall from time to time come to his attention as possibly dangerous buildings within the terms of section 22-381.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5. *Notice to owner*. Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in section 22-381, that:
    a. *Duties of owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article;
    b. *Duties of occupant.* The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession;
    c. *Persons with interest.* The mortgagee, agent or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish the said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;
    d. *Appeal.* The person or entity receiving notice by the code official shall have the right to appeal his decision directly to the council and have a hearing conducted in accordance with the provisions of section 22-385 before council, provided that the notice of appeal is filed with the city clerk no later than five days after receiving notice from the code official.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

6. *Order to remedy conditions*. Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

7. *Non-compliance with notice*. Report to the council any non-compliance with the notice provided for in subsections (5) and (6) hereof.

8. *Testify at hearings*. Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

9. *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:

"This building has been found to be a dangerous building by the code official. This notice is to remain on this building unit until it is repaired, vacated and closed, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with."

10. *Orders of council.* Carry out all orders of the council to cause the repair, vacation and closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacation of the dangerous building, the code official may order the city utilities to be disconnected. In causing the closure of dangerous buildings, the code official may direct the removal from the building of all furniture, equipment and other personal property left by vacated occupants.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-385.- Hearing before council.

- The council of the city shall:

1) *Notice of hearing*. Upon receipt of a report of the code official as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and closed, or demolished in accordance with the statement of particulars set forth in the code official's notice provided for herein in section 22-384(6).

2) *Conduct of hearing*. Hold a hearing and hear such testimony as the code official or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of the city chief of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

3) *Findings*. Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 22-381.

4) *Order*. Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, vacate and close, or demolish any building found to be a dangerous building within the terms of this article, setting the time within which said building shall be repaired, vacated and closed, or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) hereof.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5) *Failure to comply.* If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor, cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health,

6) *Report to solicitor*. Report to the city solicitor the names of all persons not complying with the order provided for in subsection (4) hereof.

303 WEST DIVISION STREET
RECOMMENDED ACTION BY THE CITY COUNCIL

- Declare this building and all accessory structures on this property dangerous.
- Order the building and all accessory structures demolished before **December 22, 2025,** by the owner or equity owner at their own risk.
- Order the code official to cause the demolition of the building and accessory structures if not completed by the owner within 10 days of the date established.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

303B
DANGER
This Structure is Declared Unsafe For Human Occupancy or Use.
It is Unlawful For Any Person to Use or Occupy This Building After
WILL BE PROSECUTED
10/20/2025 11:12

10/20/2025 11:14

W Division St
10/20/2025 11:18

10/20/2025 11:18

10/20/2025 11:20

Division st
01/20/2022 12:10

01/20/2022 12:12

06/08/2022 11:54

CITY OF DOVER, DELAWARE

COUNCIL ACTION FORM

PROCEEDING: City Council Approval

DEPARTMENT OF ORIGIN: Planning, Inspections, and Community Development- Code Enforcement

DATE SUBMITTED: October 31st, 2025

PREPARED BY: Eddie Kopp, CCEO, Chief Code Enforcement Officer

SUBJECT: 415 West Division Street – Violation of the Dangerous Building Ordinance

REFERENCE: Chapter 22, Article XI- DANGEROUS BUILDINGS

RELATED PROJECT: N/A

REVIEWED BY: David S. Hugg III, City Manager, and Sharon J. Duca P.E., ICMA-CM, Assistant City Manager/Interim Director of Planning, Inspections, and Community Development

EXHIBITS: PowerPoint presentation to be presented during the council meeting.

EXPENDITURE REQUIRED: The preliminary estimate is $ 50,000.00.
AMOUNT BUDGETED: $480,000 budget for demolitions citywide for FY26.
FUNDING SOURCE (Dept./Page in CIP & Budget): 100-11-16-20-000-53033

TIMETABLE: Immediate action requested.

STAFF RECOMMENDATION:

1. Declare the building located at 415 West Division Street (ED-05-076.08-04-530.000-000) as a **Dangerous Building**.
2. Order the building and all accessory structures located at 415 West Division Street (ED-05-076.08-04-530.000-000) to be repaired or demolished by **December 22, 2025,** by the owner or equity owner at their own risk.
3. If the owner **fails to comply** with the date established by City Council Order, the Division of Code Enforcement shall complete the process to cause the demolition of the structures **within 10 days of the date established by the City Council**.
4. Order the City Manager with the assistance of the City Solicitor, to cause the cost of demolition be charged against the land on which the building exists a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

- The structure located at 415 West Division Street (ED-05-076.08-04-530.000-000) has been condemned since May 28th, 2025.
- The structure is deemed unfit for human occupancy; this interpretation was made by staff certified by the International Code Council in accordance with the City of Dover Code of Ordinances and the 2009 International Property Maintenance Code.
- The lack of responsiveness from the owner to correct the violations has resulted in violations remaining outstanding since 2020.
- This property is a health, safety, and fire hazard and poses a substantial risk to the neighbors, citizens, staff, and first responders.
- Due to the vacancy, the property has become a nuisance by attracting illegal activity, including vandalism, drug use, and unlawful entry.
- Staff believe failure to cause the repair or demolition of the building located at 415 West Division Street (ED-05-076.08-04-530.000-000) will have a significant impact on the quality of life for the citizens of the City of Dover.

VIOLATION OF THE DANGEROUS BUILDING ORDINANCE 415 WEST DIVISION STREET

CITY OF DOVER PLANNING & INSPECTIONS

NOVEMBER 20, 2025

415 WEST DIVISION STREET CASE HISTORY

- Condemned on May 28th, 2024, as unfit for human occupancy.
- Letter of Intent sent and posted September 3rd, 2025.
- Notice of Public Hearing sent and posted October 24th, 2025.
- No active utilities since April 4th, 2025.
- No active permits on file.
- No repairs have been made to the structure since the condemnation.
- Active Vacant Building case since May 6th,2025.
- Property has maintained unresolved violations since 2020.

415 WEST DIVISION STREET OUTSTANDING FEES

- Code Enforcement Fines $16,625.00.
- Other Fees $10,418.75.
- Taxes $904.35.

415 WEST DIVISION STREET OUTSTANDING VIOLATIONS

- Dover Code of Ordinances, Chapter 22, Article XI, Section. 22-371:

(2) Damaged walls, etc.

(5) Unfit for habitation.

(6) Light, air, sanitation.

(7) Fire escapes, etc.

(9) General welfare.

(10) Code violations.

(12) Unoccupied buildings.

(13) Incomplete buildings.

415 WEST DIVISION STREET OUTSTANDING VIOLATIONS

- 2009 IPMC 108.1 General.
- 2009 IPMC 108.2 Closing of vacant structures.
- 2009 IPMC 305.3 Interior surfaces.
- 2009 IPMC 304.7 Roofs and drainage.
- 2009 IPMC 304.15 Doors.
- 2009 IPMC 304.13 Window, skylight, and door frames.
- 2009 IPMC 505.1 General
- 2009 IPMC 602.2 Residential occupancies.
- 2009 IPMC 604.1 Facilities required.
- 2009 IPMC 305.1 General.
- 2009 IPMC 302.4 Weeds.
- 2009 IRC Permit required.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Section 22-381- Definitions.

- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Dangerous buildings means all buildings or structures which have any or all of the following defects or uses:

1. ***Leaning interior walls***. Those of which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. ***Damaged walls, etc.*** Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supportive enclosing or outside walls or covering.
3. ***Loads on roofs***. *Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.*

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

4. ***Fire damage, etc***. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
5. ***Unfit for habitation***. Those which have become or are so dilapidated, decayed, unsafe, insanitary or so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
6. ***Light, air, sanitation***. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
7. ***Fire escapes, etc***. Those having inadequate facilities in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
8. ***Loose parts***. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
9. ***General welfare***. Those which, because of their condition or use, are unsafe, insanitary, or dangerous to the public health, morals, safety or general welfare of the people of this city.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

10. Code violations. Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city. Unfit for habitation.

11. Drug sales, use, etc. Those which are being used for the unlawful selling, serving, storing, giving away or manufacturing (which includes the production, preparation, compounding, conversion, processing, packaging or repackaging) of any drug, which includes all narcotic or psychoactive drugs, cannabis, cocaine and all controlled substances as defined in the Uniform Controlled Substances Act (16 Del. C. § 4701 et seq.).

12. Unoccupied buildings. Those which are left unoccupied and unattended for periods of three months or more so that decay is being accelerated by natural or manmade causes or which may be attracting trespassers and vagrants, increasing the probability of fire and danger to human life.

13. Incomplete buildings. Those under construction, if the authorized work is substantially suspended or abandoned for a period of three months or more.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-382.- Standards for repair, vacation, or demolition.

- The following standards shall be followed in substance by the code official in ordering the repair, vacation, or demolition of dangerous buildings:

1. ***Repair***. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
2. ***Vacation***. If the dangerous building is in such a condition or is being used as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.
3. ***Demolition***. In any case where a dangerous building is 50 percent damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard, or public safety hazard as determined by the code official, or is existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it may be demolished.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-383.- Nuisance declared.

- All dangerous buildings within the terms of section 22-381 are hereby declared to be public nuisances, and shall be repaired, vacated and closed or demolished as hereinbefore and hereafter provided.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-384.- Duties of code official.

- The code official shall:

1. *Inspect public buildings.* Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, tenements, or commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of section 22-381.
2. *Complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
3. *Reported violations.* Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of this article.
4. *Dangerous buildings.* Inspect such other buildings as shall from time to time come to his attention as possibly dangerous buildings within the terms of section 22-381.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5. *Notice to owner*. Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in section 22-381, that:
    a. *Duties of owner.* The owner must vacate and close, or repair, or demolish said building in accordance with the terms of the notice and this article;
    b. *Duties of occupant.* The occupant or lessee must vacate and close said building or may have it repaired in accordance with the notice and remain in possession;
    c. *Persons with interest.* The mortgagee, agent or other persons having an interest in said building, as shown by the land records of the recorder of deeds of the county, may, at their own risk, repair, vacate and close, or demolish the said building or have such work or act done; provided that any person notified under this subsection to repair, vacate and close, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;
    d. *Appeal.* The person or entity receiving notice by the code official shall have the right to appeal his decision directly to the council and have a hearing conducted in accordance with the provisions of section 22-385 before council, provided that the notice of appeal is filed with the city clerk no later than five days after receiving notice from the code official.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

6. *Order to remedy conditions*. Set forth in the notice provided for in subsection (5) hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.

7. *Non-compliance with notice*. Report to the council any non-compliance with the notice provided for in subsections (5) and (6) hereof.

8. *Testify at hearings*. Appear at all hearings conducted by the council and testify as to the condition of dangerous buildings.

DOVER CODE OF ORDINANCES
ARTICLE XI- DANGEROUS BUILDINGS

9. *Notice on buildings.* Place a notice on all dangerous buildings, reading as follows:

"This building has been found to be a dangerous building by the code official. This notice is to remain on this building unit until it is repaired, vacated and closed, or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building, as shown by the land records of the recorder of deeds of Kent County. It is unlawful to remove this notice until such notice is complied with."

10. *Orders of council.* Carry out all orders of the council to cause the repair, vacation and closure, or demolition of dangerous buildings pursuant to section 22-385. In causing the vacation of the dangerous building, the code official may order the city utilities to be disconnected. In causing the closure of dangerous buildings, the code official may direct the removal from the building of all furniture, equipment and other personal property left by vacated occupants.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

Sec. 22-385.- Hearing before council.

- The council of the city shall:

1) *Notice of hearing*. Upon receipt of a report of the code official as provided for in section 22-384(7), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and closed, or demolished in accordance with the statement of particulars set forth in the code official's notice provided for herein in section 22-384(6).

2) *Conduct of hearing*. Hold a hearing and hear such testimony as the code official or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county, shall offer relative to the dangerous building. Hearings relative to reported dangerous buildings as defined in section 22-381(11) shall include the testimony of the city chief of police, who may submit arrest records, complaint records, and affidavits relative to the property as evidence for the hearing.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

3) *Findings*. Make written findings of fact from the testimony offered pursuant to subsection (2) of this section as to whether or not the building in question is a dangerous building within the terms of section 22-381.

4) *Order*. Issue an order based upon findings of fact made pursuant to subsection (3) of this section, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown on the land records of the recorder of deeds of the county, to repair, vacate and close, or demolish any building found to be a dangerous building within the terms of this article, setting the time within which said building shall be repaired, vacated and closed, or demolished, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building but having an interest in said building as shown by the land records of the recorder of deeds of the county may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the city as provided in subsection (5) hereof.

DOVER CODE OF ORDINANCES ARTICLE XI- DANGEROUS BUILDINGS

5) *Failure to comply.* If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) hereof within ten days, cause such building or structure to be repaired, vacated and closed, or demolished, as the facts may warrant, under the standards hereinbefore provided for in section 22-384, and shall, with the assistance of the city solicitor, cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health,

6) *Report to solicitor*. Report to the city solicitor the names of all persons not complying with the order provided for in subsection (4) hereof.

415 WEST DIVISION STREET
RECOMMENDED ACTION BY THE CITY COUNCIL

- Declare this building and all accessory structures on this property dangerous.
- Order the building and all accessory structures demolished before **December 22, 2025,** by the owner or equity owner at their own risk.
- Order the code official to cause the demolition of the building and accessory structures if not completed by the owner within 10 days of the date established.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

CONDEMNED

This Structure is Declared Dangerous and Unsafe for Human Occupancy or Use. It is Unlawful for Any Person to Use or Occupy This Building After

9:00 (AM) PM April 4 2025.

Any Unauthorized Person Entering This Building or Removing This Sign

WILL BE PROSECUTED

415 W Division ST. — Address of Buidling

JGE — Code Official

4/4/25 — Date

REFER TO ORDINANCE(S) VII SECTION 22-221 & XI- DANGEROUS BUILDINGS

If you have any questions, please contact the City of Dover Department of Inspections at (302) 736-7010

04/04/2025 09:12

08/28/2024 10:18

08/28/2024 10:18

08/28/2024 10:19

04/04/2025 10:16

04/04/2025 10:21

04/04/2025 10:19
EverStart

CONDEMNED
CONDEMNED
CONDEMNED
NO
ESPASSING
10/20/2025 11:06

10/20/2025 11:08

10/20/2025 11:07