

PROPERTY MAINTENANCE CODE BOARD OF APPEALS A G E N D A



AUGUST 6, 2014 - 3:00 P.M.

**CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE**

*Public comments are welcomed on any item and will be permitted at appropriate times.
When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us)
should you wish to be recognized.*

AGENDA ADDITIONS/DELETIONS

- 1. Property Maintenance Code Citation (Vacant Building) - Appeal of Decision - 194 Pennsylvania Avenue (*James Reichensperger*)**
- 2. Adjournment**

/dd

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Misc-Agendas\PROPERTY MAINTENANCE CODE BOARD OF APPEALS\08-06-2014 PMCBA.wpd

RECEIVED

JUL 21 2014

OFFICE OF THE CITY CLERK

City of Dover
15 Loockerman Plaza
Dover, DE 19901

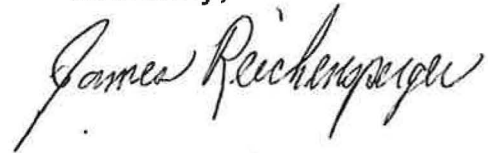
James Reichensperger
194 Pennsylvania Avenue
Dover, De 19901
July 17, 2014

Ref: 1) City of Dover letter dated June 20, 2014
2) Dover Code

To Whom It May Concern

I appeal.

Sincerely,

A handwritten signature in black ink that reads "James Reichensperger". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Received

JUL 21 2014

Planning & Inspections

194 Penna Av
Dover DE 19901



7014 0150 0001 1420 6653

RETURN RECEIPT
REQUESTED

City of Dover
15 Lockerman Plaza
Dover DE 19901

City Mgr

Closed
business

1990187327



1000



19901

U.S. POSTAGE
PAID
DOVER, DE
19901
JUL 18, 14
AMOUNT

\$6.49

00012857-08

NAME _____
1ST NOTICE _____
2ND NOTICE _____
RETURN _____



Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



Phone: (302) 736-7011
Fax: (302) 736-4217

REGISTRATION NOTIFICATION

June 20, 2014

JAMES F REICHENSBERGER
& MARK J
194 PENNSYLVANIA AVE
DOVER DE 19901

RE: Property Address: 194 PENNSYLVANIA AVE
Tax Parcel #: ED-05-077.05-02-020.000-000
Case Number: 14-00001902

Dear Mr. Reichensperger:

This letter is to inform you that your building has been found to be vacant as defined under Article 12, Chapter 22 of the Dover Code of Ordinances. In accordance with this ordinance, the Code Enforcement Officer has registered this building as vacant with the City of Dover.

An annual registration fee shall be paid at the time of registration. Please read the enclosed leaflet for more information on fees and any exemptions that may apply with the fees. **Total amount due at this time will be \$250.00.**

The Code Enforcement Officer shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the Code Enforcement Officer, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

IF THE REGISTRATION FEE IS NOT PAID BY July 21, 2014 IT WILL BE PLACED ON THE NEXT TAX BILLING.

Please contact this office between the hours of 8:30 a.m. and 5:00 p.m. at (302) 736-7011 with any questions or concerns regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Coburn", is written over the word "Sincerely,".

RON COBURN
Code Enforcement Officer

cc: File

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



Phone: (302) 736-7011
Fax: (302) 736-4217

INVOICE

Date: June 20, 2014
Invoice #: 14-00001902

JAMES F REICHENSBERGER
& MARK J
194 PENNSYLVANIA AVE
DOVER DE 19901

RE: Property address: 194 PENNSYLVANIA AVE
Tax Parcel #: ED-05-077.05-02-020.000-000

DESCRIPTION	AMOUNT
Vacant Building First Year Registration Fee	\$250.00
TOTAL	\$250.00

Please make all checks payable to City of Dover
Payment must be received by July 21, 2014

City of Dover



Department of
Planning & Inspections

Phone: (302) 736-7010
Fax: (302) 736-4217

City of Dover Vacant Building Registration

Amount Due: \$ 250.00 Amount Paid: _____

Date Due: 07/21/14 Case # 14-1902 Date Registered: 06/20/14

Vacant Since: 09/13/12 Tax Parcel # ED-05-077.05-02-020.000

Property Address: 194 Pennsylvania Avenue Dover DE 19901

Current Property Owner: James F & Mark J Reichensperger

Address: _____

Phone: _____ Cell: _____

Responsible Person/Agent: _____

Address: _____

Phone: _____ Cell: _____

Local agent is required for any owner residing outside of Kent County Delaware

Mail correspondence to: **Owner/Agent** (Please Circle)

Insurance on Building: Y / N (please circle)

If Yes: Name of Insurance Company: _____

Exempt from Registration Fee: Y / **N** (please circle)

Explanation of Exemption if granted: None staff registered 6/20/14

NOTE: No Exemption if Registered by City of Dover Staff

****If building is for sale or lease – Listed selling price _____

****Attach a copy of the Realtors Listing Sheet (REQUIRED)

Owner Signature: _____ Date: _____

Fees as follow:

Buildings vacant one year or less;	\$250.00	Commercial greater than 10,000 SF	\$500.00
Buildings vacant for more than one year but less than two years;	\$500.00	Commercial greater than 10,000 SF	\$1,000.00
Buildings vacant for more than two years but less than five years;	\$1,000.00	Commercial greater than 10,000 SF	\$2,000.00
Buildings vacant for five years or longer;	\$2,000.00	Commercial greater than 10,000 SF	\$4,000.00

Staff Use Only:

Staff Registered: **Y** / N

Owner Notified: **Y** / N

Staff Member: **RC**
Date Owner Notified: **6/20/14**

REVISED 03/19/13

7013 2630 0002 2698 9228

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
RC	Postage \$
14-1902	Certified Fee
	Return Receipt Fee (Endorsement Required)
	Restricted Delivery Fee (Endorsement Required)
	Total Po
Sent To	
Street, Apt. JAMES F REICHENSPERGER	
or PO Box & MARK J USPS	
City, State 194 PENNSYLVANIA AVE	
DOVER DE 19901	
PS Form 3800, September 2006	

14-1902

JUN 28 2017

Postmark Here

Sections & Planning

Received

JUN 19 2014

Planning & Inspections

James Reichensperger
194 Pennsylvania Avenue
Dover, De 19901
June 13, 2014

City of Dover
15 Loockerman Plaza
Dover, DE 19901

Ref: City of Dover letter dated May 21, 2014

To Whom It May Concern

With regard to the above reference, my property at 194 Pennsylvania Avenue is not abandoned. I have lived on Pennsylvania Avenue for about 35 years and continue to do so.

My house is not vacant. To claim otherwise is inaccurate and uninformed. My food, furniture, clothing, books, documents, as well as other possessions are there. When I am out of town, the property is checked on periodically.

By the definition of "unoccupied" in the city ordinance, my home is occupied. My medical and vacation travels have never caused a continued absence for a period greater than 3 consecutive months. The home is lived in, slept in, and occupied on the days of the week and time of day as I desire. Taxes are paid. Utilities are paid and used as I see fit.

I will defend my right to the quiet and peaceful use of my property by all means available to me. And I will consider continued harassment as a gross violation of my rights.

Sincerely,

James Reichensperger

CITY OF DOVER
Customer/Location Consumption History Inquiry

6/19/14
12:31:47

Customer ID: 45595 Name: REICHENSPERGER, JAMES F
 Location ID: 14044 Addr: 194 PENNSYLVANIA AVE
 Cycle/Route: 30 01 Amount due: \$.00
 Initiation date : 12/03/13 Pending : \$.00
 Termination date: 0/00/00 Customer status: A Customer/Location status: A

Type options, press Enter.

1=Select 5=View detail

Opt	Code	Type	Reading Date	Actual Consumption	Actual Demand	Days	Meter Number	Est CD	Cmnt CD
—	WA	REG	5/14/14	.00	.00	30	52724223W		N
—	WA	REG	4/14/14	.00	.00	32	52724223W		N
—	WA	REG	3/13/14	.00	.00	29	52724223W		N
—	WA	REG	2/12/14	.00	.00	30	52724223W		N
—	WA	REG	1/13/14	.00	.00	28	52724223W		N
—	WA	REG	12/16/13	.00	.00	13	52724223W		N
—	WA	INT	12/03/13	.00	.00		52724223W		
—	WA	FIN	4/18/13	.00	.00	36	52724223W		+

F3=Exit F5=Print history F8=Pending/history trans F10=Change view
 F12=Cancel F14=Graph history

Customer/Location Consumption History Inquiry

12:31:47

Customer ID: 45595 Name: REICHENSPERGER, JAMES F

Location ID: 14044 Addr: 194 PENNSYLVANIA AVE

Cycle/Route: 30 01

Amount due: \$.00

Initiation date : 12/03/13

Pending : \$.00

Termination date: 0/00/00

Customer status: A

Customer/Location status: A

Type options, press Enter.

1=Select 5=View detail

Opt	Service	Reading	Actual	Actual		Meter	Est	Cmnt
Code	Type	Date	Consumption	Demand	Days	Number	CD	CD
—	WA	REG	3/13/13	.00	.00	28	52724223W	N
—	WA	REG	2/13/13	.00	.00	30	52724223W	N
—	WA	REG	1/14/13	.00	.00	32	52724223W	N
—	WA	REG	12/13/12	.00	.00	29	52724223W	N
—	WA	REG	11/14/12	.00	.00	30	52724223W	N
—	WA	REG	10/15/12	.00	.00	32	52724223W	N
—	WA	REG	9/13/12	1.00	.00	30	52724223W	N *
—	WA	REG	8/14/12	.00	.00	32	52724223W	N +

F3=Exit F5=Print history
F12=CancelF8=Pending/history trans
F14=Graph history

F10=Change view

CITY OF DOVER
Customer/Location Consumption History Inquiry

6/19/14
 12:33:08

Customer ID: 45595 Name: REICHENSPERGER, JAMES F
 Location ID: 14044 Addr: 194 PENNSYLVANIA AVE
 Cycle/Route: 30 01 Amount due: \$.00
 Initiation date : 12/03/13 Pending : \$.00
 Termination date: 0/00/00 Customer status: A Customer/Location status: A

Type options, press Enter.

1=Select 5=View detail

Opt	Service	Reading	Actual	Actual	Days	Meter	Est	Cmnt
Code	Type	Date	Consumption	Demand		Number	CD	CD
—	EL	REG	5/14/14	.00	.00	30	27780309E	N
—	EL	REG	4/14/14	.00	.00	32	27780309E	N
—	EL	REG	3/13/14	.00	.00	29	27780309E	N
—	EL	REG	2/12/14	.00	.00	30	27780309E	N *
—	EL	REG	1/13/14	.00	.00	28	27780309E	N *
—	EL	REG	12/16/13	1.00	.00	13	27780309E	N *
—	EL	INT	12/03/13	.00	.00		27780309E	
—	EL	FIN	4/18/13	14.00	.00	36	27780309E	+

F3=Exit F5=Print history F8=Pending/history trans F10=Change view
 F12=Cancel F14=Graph history

Customer/Location Consumption History Inquiry

12:33:13

Customer ID: 45595 Name: REICHENSPERGER, JAMES F

Location ID: 14044 Addr: 194 PENNSYLVANIA AVE

Cycle/Route: 30 01

Amount due: \$.00

Initiation date : 12/03/13

Pending : \$.00

Termination date: 0/00/00

Customer status: A

Customer/Location status: A

Type options, press Enter.

1=Select 5=View detail

Service	Reading	Actual	Actual		Meter	Est	Cmnt
Opt Code	Type	Date	Consumption	Demand	Days	Number	CD CD
—	EL REG	3/13/13	15.00	.00	28	27780309E	N
—	EL REG	2/13/13	21.00	.00	30	27780309E	N
—	EL REG	1/14/13	15.00	.00	32	27780309E	N
—	EL REG	12/13/12	44.00	.00	29	27780309E	N
—	EL REG	11/14/12	26.00	.00	30	27780309E	N
—	EL REG	10/15/12	38.00	.00	32	27780309E	N
—	EL REG	9/13/12	66.00	.00	30	27780309E	N
—	EL REG	8/14/12	35.00	.00	32	27780309E	N +

F3=Exit F5=Print history

F8=Pending/history trans

F10=Change view

F12=Cancel

F14=Graph history

CITY OF DOVER
Customer/Location Consumption History Inquiry

6/19/14
12:33:17

Customer ID: 45595 Name: REICHENSBERGER, JAMES F
 Location ID: 14044 Addr: 194 PENNSYLVANIA AVE
 Cycle/Route: 30 01 Amount due: \$.00
 Initiation date : 12/03/13 Pending : \$.00
 Termination date: 0/00/00 Customer status: A Customer/Location status: A

Type options, press Enter.

1=Select 5=View detail

Opt	Service	Reading	Actual	Actual	Days	Meter	Est	Cmnt
Code	Type	Date	Consumption	Demand		Number	CD	CD
—	EL	REG	7/13/12	49.00	.00	30	27780309E	N
—	EL	REG	6/13/12	37.00	.00	30	27780309E	N
—	EL	REG	5/14/12	24.00	.00	32	27780309E	N
—	EL	REG	4/12/12	50.00	.00	29	27780309E	N
—	EL	REG	3/14/12	18.00	.00	30	27780309E	N
—	EL	REG	2/13/12	21.00	.00	27	27780309E	N
—	EL	REG	1/17/12	58.00	.00	36	27780309E	N
—	EL	REG	12/12/11	24.00	.00	28	27780309E	N +

F3=Exit F5=Print history F8=Pending/history trans F10=Change view
 F12=Cancel F14=Graph history

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



Phone: (302) 736-7011
Fax: (302) 736-4217

May 21, 2014

JAMES F & MARK J REICHENSBERGER
194 PENNSYLVANIA AVE
DOVER DE 19901

RE: Property Address: 194 PENNSYLVANIA AVE
Tax Parcel #: ED-05-077.05-02-020.000-000
Case Number: 14-00001902

Dear Mr. Reichensperger:

On June 26, 2006, the Dover City Council adopted the Vacant Building Ordinance to reduce the negative impact vacant buildings have on the surrounding businesses and neighborhoods. This letter is to inform you that your building has been found to be vacant as defined under Article 12, Chapter 22 of the Dover Code of Ordinances.

In accordance with this ordinance, this building must be registered with the City of Dover. Enclosed with this notice is a registration form. Please return this form by June 20, 2014 to the City of Dover Department of Planning and Inspections. Failure to return the form within 30 days of mailing will result in the building being registered by this department.

An annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. Please read the enclosed leaflet for more information on fees and any exemptions that may apply with the fees.

The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Please contact this office between the hours of 8:30 a.m. and 5:00 p.m. at (302) 736-7011 with any questions or concerns regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald R. Coburn", is written over the word "Sincerely,".

RON COBURN
Code Enforcement Officer

cc: File

City of Dover

Department of
Planning & Inspections

Phone: (302) 736-7010
Fax: (302) 736-4217

City of Dover Vacant Building Registration

Amount Due: \$ 250.00 Amount Paid: _____

Date Due: 06/20/14 Case # 14-1902 Date Registered: _____

Vacant Since: 09/13/12 Tax Parcel # ED-05-077.05-02-020.000

Property Address: 194 Pennsylvania Avenue Dover DE 19901

Current Property Owner: James F & Mark J Reichensperger

Address: _____

Phone: _____ Cell: _____

Responsible Person/Agent: _____

Address: _____

Phone: _____ Cell: _____

Local agent is required for any owner residing outside of Kent County Delaware

Mail correspondence to: **Owner/Agent** (Please Circle)

Insurance on Building: Y / N (please circle)

If Yes: Name of Insurance Company: _____

Exempt from Registration Fee: Y / N (please circle)

Explanation of Exemption if granted: _____

NOTE: No Exemption if Registered by City of Dover Staff

****If building is for sale or lease – Listed selling price _____

****Attach a copy of the Realtors Listing Sheet (REQUIRED)

Owner Signature: _____ Date: _____

Fees as follow:

Buildings vacant one year or less;	\$250.00	Commercial greater than 10,000 SF	\$500.00
Buildings vacant for more than one year but less than two years;	\$500.00	Commercial greater than 10,000 SF	\$1,000.00
Buildings vacant for more than two years but less than five years;	\$1,000.00	Commercial greater than 10,000 SF	\$2,000.00
Buildings vacant for five years or longer;	\$2,000.00	Commercial greater than 10,000 SF	\$4,000.00

Staff Use Only:

Staff Registered: Y / N

Staff Member: _____

Owner Notified: Y / N

Date Owner Notified: _____

REVISED 03/19/13

Address Information

Address: 194 PENNSYLVANIA AVE
City, state, zip: DOVER DE 199013822
Carrier route: C001
Delivery point: 942
Inside/outside code: IN INSIDE CITY LIMITS
Jurisdiction: DOVER DOVER
General location: DIST3 DISTRICT 3
DRS from Location Master: 30139200
Address type: Main Parcel
Effective date: 2/04/1998
Location status: Active
Last change user: CASS2001-1
Last change date: 11/06/2001

Parcel Information

Tax Map Number: ED-05-077.05-02-020.000-000
Parcel status: Active

Zoning Information

Zoning: GENERAL RESIDENCE RG-1
Commissioner district: COUNCIL DISTRICT 3
Undivided interest %: .00%
Longitude/latitude: .000000 .000000
Map X/Y coordinates:
Property code:

Current Owner

Name: REICHENSPERGER, JAMES F
Address: & MARK J
194 PENNSYLVANIA AVE
DOVER DE 19901



KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615
(302) 744-2300 -- FAX (302) 736-2279

"Serving Kent County With Pride"

PROPERTY INFORMATION

Planning and Building Permits Information

Reference # ED EAST DOVER HUNDRED **Card # 1 of 1**

Location ID 14780 **Map Number** 2-05-07705-02-0200-00001

Tax ID 14780 **Deed BVP** D 4681 0276 Z 0034 0315

Parcel ID 37525 **Property Code** P - PROPERTY

Current Owner

REICHENSBERGER, JAMES F.
194 PENNSYLVANIA AVE

DOVER, DE 19901

Property Location

194 PENNSYLVANIA AVE
DOVER, DE 19901

Zoning RG1

Acres .17

Additional Owner REICHENSBERGER, MARK J.

Sub-Division

Sales History				Liv.Sq.Ft	2,748.0000
Date	Price	Assessment		Total Rooms	11
10/15/08	10	Land	6,600	Bedrooms	3
0/00/00	0	Buildings	25,600	Full Bath	2
		Total	32,200	Half Bath	1
Base Tax Due	.00	Last Billing Detail History Farm Info			
Tax Penalty	.00				
Total Tax Bal.	.00				
Sewer Balance	.00	Sewer Account #			
Neighborhood #	00217	Coordinates		0469170 E 0424259 N	
Land Use	1	Lot Dimensions		0000060.00 0000120.00	
Living Units	NO	School District	18	CAPITOL	
Class	Residen	Fire District	46	ROBBINS HOSE (DOVER)	
Plat Book Pg	00000	Sewer District	00	NONE	
Topography	Level	Ambulance District	46	ROBBINS HOSE (DOVER)	

Coburn, Ron

From: McGinnis, David
Sent: Wednesday, May 21, 2014 8:46 AM
To: Coburn, Ron
Subject: VBO 194 Pennsylvania Ave

No water use since 5/2011. No electric usage since 1/2014.

David McGinnis

Inspector I
Department of Inspections
City of Dover
P.O. Box 475
Dover, DE 19903
(302) 736-7011
(302) 736-4217 fax
dmcginnis@dover.de.us



Dover, Delaware, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 22 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE VII. PROPERTY MAINTENANCE CODE >>**

ARTICLE VII. PROPERTY MAINTENANCE CODE ^[4]

Sec. 22-221. Adopted.

Sec. 22-222. Definitions.

Sec. 22-223. Conflicting provisions.

Sec. 22-224. Enforcement.

Sec. 22-225. Property maintenance code board of appeals.

Secs. 22-226—22-250. Reserved.

Sec. 22-221. Adopted.

- (a) A certain document, three copies of which are on file in the licensing and permitting office of the city, being marked and designated as "The International Property Maintenance Code, 2009" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Dover, in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

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

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Sec. 22-225 Property maintenance code board of appeals.

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

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

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

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

(Code 1981, § 10-1; Ord. of 7-10-1989; Ord. of 4-25-1994; Ord. of 1-27-1997; Ord. of 3-13-2000; Ord. of 4-11-2005 (7); Ord. of 4-14-2008; Ord. No. 2010-02, 5-10-2010)

Sec. 22-222. Definitions.

- (a) Whenever the word "municipality" or "city" is used in the publication adopted by this article, it shall be construed to mean the City of Dover, Delaware.

- (b) Whenever the term "corporation counsel" or "city attorney" is used in the publication adopted by this article, it shall mean the city solicitor.
- (c) Whenever, in the publication adopted by reference in this article, a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

(Code 1981, § 10-2; Ord. of 7-10-1989)

Sec. 22-223. Conflicting provisions.

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of state law, this Code or any other ordinance, rule or regulation, the provisions of state law, this Code or such other ordinance, rule or regulation shall prevail and be controlling.

(Code 1981, § 10-3; Ord. of 7-10-1989)

Sec. 22-224. Enforcement.

The city planner shall enforce the provisions of the publication adopted by reference in this article.

(Code 1981, § 10-4; Ord. of 7-10-1989; Ord. of 4-14-2008)

Sec. 22-225. Property maintenance code board of appeals.

There shall be a board to be referred to as the "property maintenance code board of appeals," consisting of three members, one of whom shall be the city manager, one a resident generally selected as a representative of homeowners, and one representative of the local real estate industry association. The members shall be appointed by the mayor, subject to confirmation of a voting majority of the city council at its annual meeting. Decisions of the board shall be final.

(Code 1981, § 10-5; Ord. of 7-10-1989; Ord. of 4-10-2000)

Secs. 22-226—22-250. Reserved.

FOOTNOTE(S):

--- (4) ---

Charter reference— *Power of city to regulate buildings, subpart A, §§ 20, 22.* [\(Back\)](#)

Dover, Delaware, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 22 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE XII. VACANT BUILDINGS >>**

ARTICLE XII. VACANT BUILDINGS

Sec. 22-400. Purpose; applicability; definitions.

Sec. 22-401. Monitoring, inspection and condition standards.

Sec. 22-402. Agent—Responsible person required.

Sec. 22-403. Registration and registration fee.

Sec. 22-404. Violation and penalties.

Sec. 22-405. Exemptions—Types of buildings eligible for exemption status from the registration fee.

Sec. 22-406. Appeals.

Sec. 22-400. Purpose; applicability; definitions.

- (a) *Purpose.* The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the city. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the city. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the city, as is the general community character in which these vacant buildings are located.
- (b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to vacant buildings. 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 ascribe to them in this subsection, except where the context clearly indicates a different meaning.
 - (1) *Vacant building* means a building, structure, or dwelling that has been unoccupied for more than three consecutive months; or a commercial tenant space greater than 10,000 square feet in an otherwise occupied building, that has been left unoccupied for more than three consecutive months.
 - (2) *Actively for sale or lease* means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the city assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

Sec. 22-401. Monitoring, inspection and condition standards.

- (a) The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building

inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Once a building/structure/unit or residence (hereon after referred to as building) is registered as a vacant building, the vacant building shall be inspected annually for as long as it is considered vacant.

- (b) The vacant building shall be secured; the exterior building and premises shall be maintained in accordance with all City of Dover Code requirements.
- (c) The vacant building shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the building and it shall not to be used as storage that is unrelated to the former use).

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

Sec. 22-402. Agent—Responsible person required.

- (a) *Property manager.* Any owner of a vacant building, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the building inspector, within 30 days.
- (b) *Corporate or partnership owners.* Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care and control of the vacant building. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or other designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a property manager. The property manager, or other designated individuals shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection, upon request by the building inspector, within 30 days.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

Sec. 22-403. Registration and registration fee.

- (a) *Registration of building.* There are two ways to register the building as vacant.
 - (1) The owner shall register with the city not later than 30 days after any building in the city becomes vacant, as defined.

The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any information changes the owner is responsible for informing the city of those changes in a timely manner.
 - (2) The building inspector or his designee, shall investigate any property that may be subject to registration. Based upon his findings, the building inspector may register the property as a vacant building subject to this chapter.
 - a. *Notice of registration.* Within five business days of such registration, the licensing and permitting office shall notify the owners of the registered property

by certified mail at their last known address according to the records of the city and Kent County.

b. **Registration fee.**

- (i) The annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then be due on the registration anniversary date every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this article [June 26, 2006].
- (ii) The annual fee is as provided for in Appendix F—Fees and Fines.

(Ord. of 6-26-2006; Ord. of 4-14-2008; Ord. No. 2009-09, 6-22-2009; Ord. No. 2013-03, 3-11-2013)

Sec. 22-404. Violation and penalties.

- (a) If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this article.
 - (1) A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the city, and the same may be turned over to the city solicitor for collection.
 - (2) The fee will be assessed to the parcel's tax bill.
 - (3) The fee shall be paid in full prior to the transfer of title.
 - (4) The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the city.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

Sec. 22-405. Exemptions—Types of buildings eligible for exemption status from the registration fee.

- (a) The following are exempt from the registration: The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.
- (b) The following properties shall be registered as vacant, but they are exempt from the registration fee:
 - (1) The building is actively being offered for sale or lease for a maximum period of five years. After such time this article will be in effect. Proof of activity shall fall on the owner to provide. See definition.
 - (2) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.
 - (3) The property is in probate or where the owner has entered a long term care facility within six months of the building being vacant.
 - (4) The property is undergoing currently environmental cleanup or assessment.
- (c) Failure to register. If the owner of the property fails to register the property with the City of Dover within 30 days of notification to do so by the City of Dover staff, then the property owner/agent may not be entitled to exemption from the fees.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

Sec. 22-406. Appeals.

- (a) Any appeal of the building inspector's decision must be made in writing within 30 days of the decision. The appeal would be heard by the property maintenance code board of appeals.
- (b) An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)