

INV# Ia301817  
50.00

**TOWN OF ELSMERE**  
**APPEAL TO THE BOARD OF ADJUSTMENT**

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that the written application for appeal is based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date this Appeal was filed: 4/11/23 Petition Number: 23-05

Date of the Original Action: 5/12/23 Tax Parcel Number: 00100-154

Subject Property Address: 114 Vilane Rd.

Property Owner's Name: Ronald Freeberg  
Grace M. Freeberg Phone Number: 302-897-8159

Property Owners Address: 114 Vilane Rd.

Applicant's Name: Ronald Freeberg

Applicant's Address: 114 Vilane Rd.

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.)

All citations V2300535

Reason for the Appeal:

unfair citations.

Relief sought:

Refund of monies for citations  
Reasons for citations.

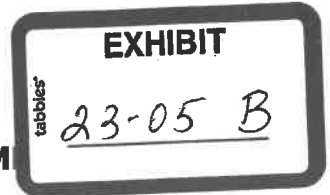
Applicant's Signature: [signature] Date: 4/11/23



# THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920



<b>RESPONSIBLE PARTY</b>	<b>CITATION #</b>	V2300535
<b>FREEBERY GRACE M TRUSTEE</b>	<b>OFFICER</b>	S. Allen
<b>114 VILONE RD</b>	<b>VIOLATION DATE</b>	04/05/23
<b>WILMINGTON, DE 19805</b>	<b>PROPERTY ADDRESS</b>	114 VILONE RD
	<b>ABATEMENT DATE</b>	

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
This property has been deemed a Repeated Public Nuisance in the 2nd occurrence for having 3 or more violations within 12 months occurring on the following dates: 5/12/2022, 8/11/2022, 10/11/2022, 11/1/2022, and 2/21/2023.	CH 145 2ND Repeat Public Nuisance - 2nd or subsequent occurrence within 12 month period.	/5/2023	\$ 2,000.00

### HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

### \*\*\*\*\*CITATION INFORMATION\*\*\*\*\*

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

### ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

**The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.**

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
5/5/2023	19-00100-154	V2300535	\$ 2,000.00

Mail Your Payment To:

The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

**MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**

**111.1 Application for appeal.**

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

**111.2 Notice of meeting.**

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

**111.3 Open hearing.**

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

**111.4 Procedure.**

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.**

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.6 Board decision.**

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

**111.7 Records and copies.**

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**111.8 Administration.**

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

**111.9 Court review.**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

**111.10 Stays of enforcement.**

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

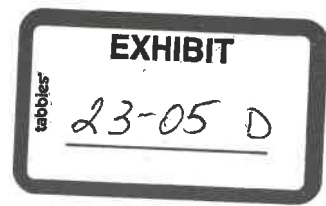
This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920



04/05/23

FREEBERRY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

Re.: Tax Parcel 19-00100-154 114 VILONE RD

Dear Property Owner,

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both of these documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

S. Allen

Code Enforcement Officer  
cc: file

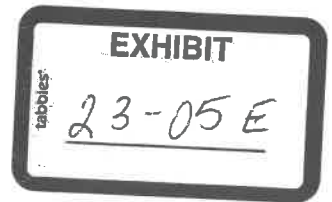
**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**



## NUISANCES

## ARTICLE I

**Nuisance Properties**  
**[Adopted 5-13-2004 by Ord. No. 430]**

**§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

**§ 145-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**OWNER** — Any person, individual, association, entity or corporation in whose name the affected real estate is recorded with the New Castle County Recorder of Deeds shall be presumed to be the owner thereof.

**PROHIBITED CONDUCT** — Any action or lack of action which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**PUBLIC NUISANCE** — A residence, premises, structure, place or lot, developed or undeveloped, which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**REPEAT PUBLIC NUISANCE** — Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice by the Code Enforcement Office of the Town of Elsmere that public nuisance has taken place at said location and within one year of that notice there is more than one additional violation at that location for prohibited conduct for which the owner or agent is again notified in writing.

**§ 145-3. Prohibited conduct.**

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

**§ 145-4. Presumptions.**

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
- B. Presumption of agency. Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises at the time a public nuisance exists, such evidence shall be presumptive that he or she was an agent of the property owner.

**§ 145-5. Violations and penalties; liability for cost of abatement.**

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

**§ 145-6. Service of notice.**

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
  - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
  - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
  - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

**§ 145-7. Enforcement.**

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.

# TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2301791

INVOICE DATE: 04/05/23

DUE DATE: 05/05/23

EXHIBIT

23-05 F

CUSTOMER #: C-000927

FREEBERRY GRACE M TRUSTEE

114 VILONE RD

WILMINGTON, DE 19805

VIOLATION INFORMATION

VIOLATION ID: V2300535

LOCATION: 114 VILONE RD

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00/1	CODE-NU2	VIOLATION OF CHAPTER 145 114 Vilone Rd  Code of the Town of Elsmere  Chapter 145 - This property has been deemed a Repeated Public Nuisance in the 2nd occurrence for having 3 or more violations within 12 months occurring on the following dates: 5/12/2022, 8/11/2022, 10/11/2022, 11/1/2022, and 2/21/2023.  <b>If this invoice is not paid by the due date, the amount due will be charged to your property taxes as a <u>SPECIAL TAX LIEN!</u></b>	2,000.000000	2,000.00
			TOTAL INVOICE	2,000.00

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805

FREEBERRY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

Invoice Id: I2301791

Customer Id: C-000927 PIN: 2571

Due Date: 05/05/23

Total Due: 2,000.00





EXHIBIT

23-05 G

## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

<b>RESPONSIBLE PARTY</b> FREEBERRY GRACE M TRUSTEE 114 VILONE RD WILMINGTON, DE 19805	<b>CITATION #</b> V2300440 <b>OFFICER</b> N. Facciolo <b>VIOLATION DATE</b> 02/21/23 <b>PROPERTY ADDRESS</b> 114 VILONE RD <b>ABATEMENT DATE</b> 02/26/23
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On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
Yard waste, solid waste & a Waste Management container left out at the curb on a day other than collection day. Must be stored in the rear or side yard with the exception of collection day.	187-2B5 Trash Collection	03/21/2023	\$ 100.00

**HOW YOU CAN AVOID PAYING THE FINE**

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

**\*\*\*\*\*CITATION INFORMATION\*\*\*\*\***

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

**ABATEMENT COST**

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

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DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
03/21/2023	19-00100-154	V2300440	\$ 100.00

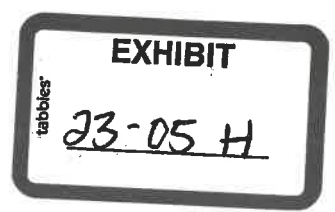
**Mail Your Payment To:**  
The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

**MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**

## APPEALS



### 111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

### 111.2 Notice of meeting.

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

### 111.3 Open hearing.

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

### 111.4 Procedure.

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

### 111.5 Postponed hearing.

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

### 111.6 Board decision.

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

### 111.7 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

### 111.8 Administration.

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

### 111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

### 111.10 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805





# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

23-05 I

02/21/23

FREEBERRY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

Re.: Tax Parcel 19-00100-154 *114 VILONE RD*

Dear Property Owner,

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Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

N. Facciolo

Code Enforcement Officer

cc: file

**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**

## NUISANCES

## ARTICLE I

**Nuisance Properties**  
**[Adopted 5-13-2004 by Ord. No. 430]**

**§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

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**§ 145-3. Prohibited conduct.**

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

**§ 145-4. Presumptions.**

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
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**§ 145-5. Violations and penalties; liability for cost of abatement.**

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

**§ 145-6. Service of notice.**

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
  - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
  - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
  - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

**§ 145-7. Enforcement.**

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.



EXHIBIT

tabbles

23-05 K





EXHIBIT

tabbies

23-05 L

114



FR



SECLICKFIX ID  
14101140

PRIORITY  
Normal

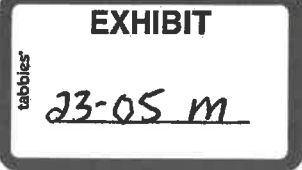
REQUEST TYPE  
Trash Complaints

ADDRESS  
114 Vilone Rd Wilmington, Delaware, 19805

ASSIGNEE  
Nicole Facciolo

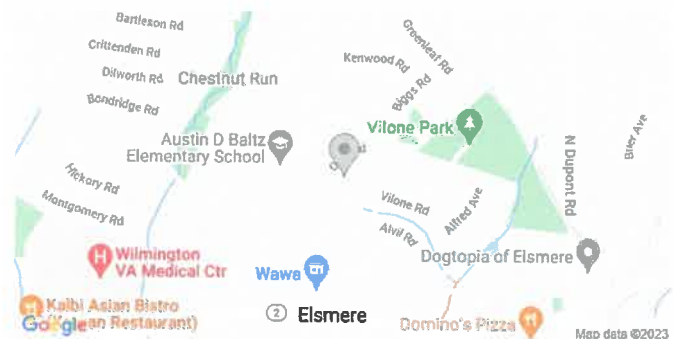
SLA EXPIRES  
February 24, 2023 14:41  
3 days late

REPORTED  
February 21, 2023 14:41



#### SECONDARY QUESTIONS

#### LOCATION



#### SUMMARY & DESCRIPTION

##### Trash Complaints

Yard waste, solid waste & WM containers left out at the curb on a day other than collection day.

Reported by: Nicole Facciolo 02/21/2023 - 02:41PM

#### MEDIA



#### TIMESTAMP INTERNAL COMMENT

#### COMMENTER

February 21, 2023 14:41		Re-assigned to observing code officer.	Nicole Facciolo
February 21, 2023 14:41	Yes	Nicole Facciolo assigned this issue to Nicole Facciolo	Nicole Facciolo
February 21, 2023 14:41	Yes	Due date changed from February 24, 2023 to February 28, 2023	Nicole Facciolo
February 21, 2023 14:42		While regularly patrolling on today's date, I observed a violation at this property for the yard waste, solid waste & WM containers left out at the curb on a day other than collection day. Upon observing the violation at this location, I stopped and obtained photos (shown above). I then issued a citation and posted it to the front door of the property. A second copy was made and sent via USPS to the registered owner.	Nicole Facciolo

February  
27, 2023  
13:44

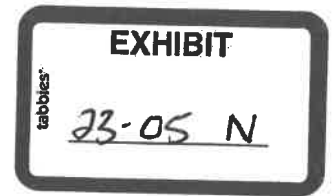
A follow up was performed on today's date of 2/27/2023 and it was found that the violation was abated by the occupant of the property.

Nicole  
Facciolo

February  
27, 2023  
13:45

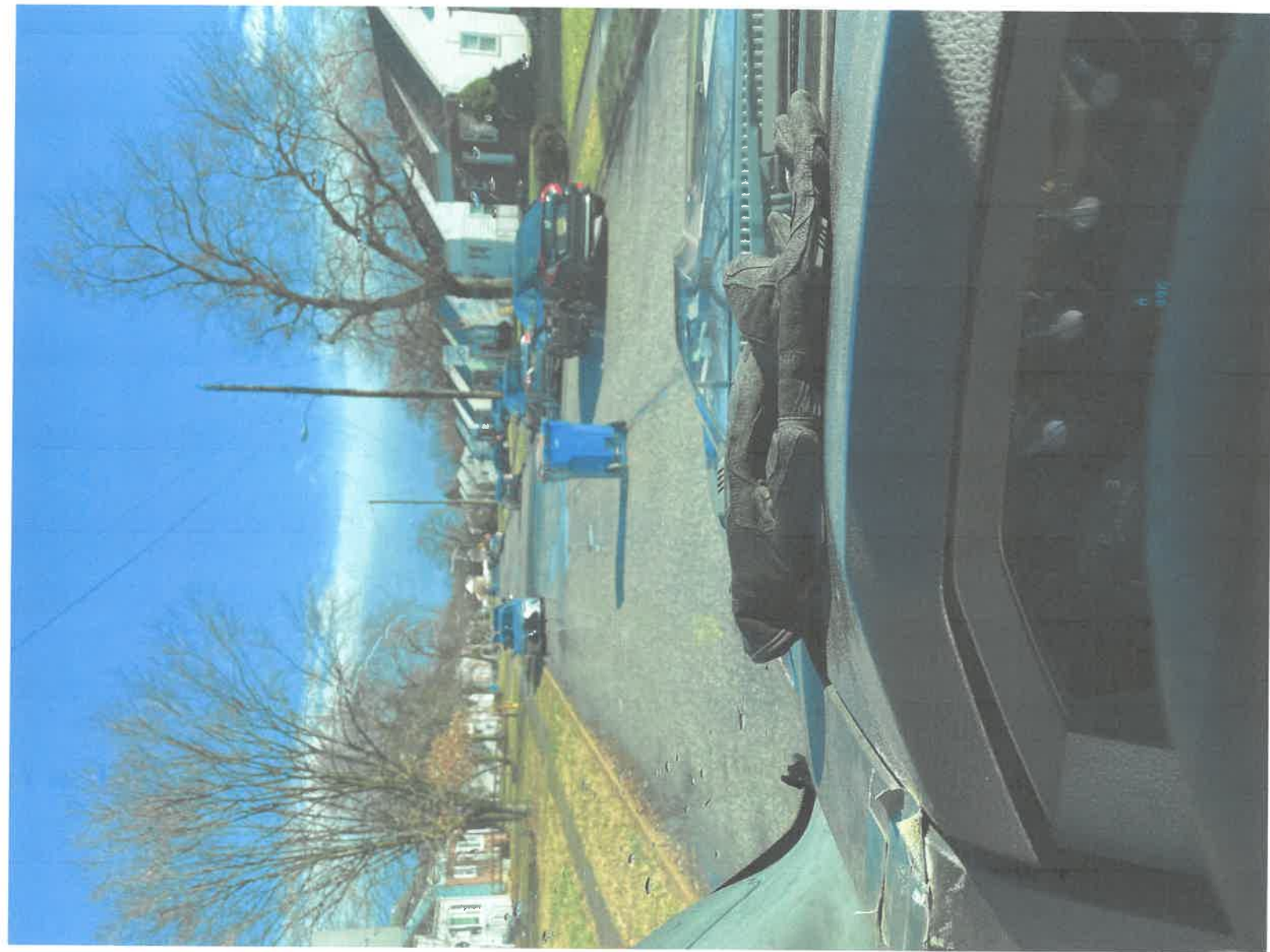
No further action will be taken at this time for this violation. Citation V2300440 will be closed.

Nicole  
Facciolo



\*photo taken by  
Public Works  
after the  
Residents Irate  
Phone Call to  
Code.

EXHIBIT  
tabbles  
23-05 0





EXHIBIT

23-05 P

## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

<b>RESPONSIBLE PARTY</b>	<b>CITATION #</b>	V2300261
<b>FREEBERRY GRACE M TRUSTEE</b>	<b>OFFICER</b>	S. Allen
<b>600 DANDENOG DR</b>	<b>VIOLATION DATE</b>	11/01/22
<b>WILMINGTON, DE 19808</b>	<b>PROPERTY ADDRESS</b>	114 VILONE RD
	<b>ABATEMENT DATE</b>	

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
This property has been deemed a Repeated Public Nuisance for having 3 (or more) violations occurring on the following dates: 5/12/2022, 8/11/2022, and 10/11/2022.	CH 145 Repeat Public Nuisance Property	12/1/2022	\$ 1,000.00

## HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

## \*\*\*\*\*CITATION INFORMATION\*\*\*\*\*

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

## ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
12/1/2022	19-00100-154	V2300261	\$ 1,000.00

Mail Your Payment To:

The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

**MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**



## APPEALS

EXHIBIT

tabbles

23-05 Q

### 111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

### 111.2 Notice of meeting.

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

### 111.3 Open hearing.

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

### 111.4 Procedure.

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

### 111.5 Postponed hearing.

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

### 111.6 Board decision.

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

### 111.7 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

### 111.8 Administration.

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

### 111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

### 111.10 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

23-05 R

11/01/22

FREEBERY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

Re.: Tax Parcel 19-00100-154 114 VILONE RD

Dear Property Owner,

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both of these documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

S. Allen

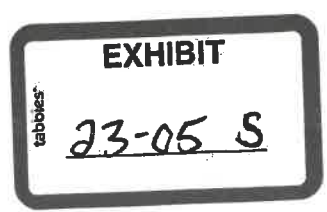
Code Enforcement Officer  
cc: file

**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**

## NUISANCES

## ARTICLE I

**Nuisance Properties**  
**[Adopted 5-13-2004 by Ord. No. 430]**

**§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

**§ 145-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**OWNER** — Any person, individual, association, entity or corporation in whose name the affected real estate is recorded with the New Castle County Recorder of Deeds shall be presumed to be the owner thereof.

**PROHIBITED CONDUCT** — Any action or lack of action which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**PUBLIC NUISANCE** — A residence, premises, structure, place or lot, developed or undeveloped, which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**REPEAT PUBLIC NUISANCE** — Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice by the Code Enforcement Office of the Town of Elsmere that public nuisance has taken place at said location and within one year of that notice there is more than one additional violation at that location for prohibited conduct for which the owner or agent is again notified in writing.

**§ 145-3. Prohibited conduct.**

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

**§ 145-4. Presumptions.**

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
- B. Presumption of agency. Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises at the time a public nuisance exists, such evidence shall be presumptive that he or she was an agent of the property owner.

**§ 145-5. Violations and penalties; liability for cost of abatement.**

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

**§ 145-6. Service of notice.**

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
  - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
  - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
  - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

**§ 145-7. Enforcement.**

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.

# TOWN OF ELSMERE

11 POPLAR AVENUE  
ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2301418

INVOICE DATE: 11/01/22

DUE DATE: 12/01/22

EXHIBIT

tabbles

23-05 T

CUSTOMER #: C-000927

FREEBERY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

## VIOLATION INFORMATION

VIOLATION ID: V2300261

LOCATION: 114 VILONE RD

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00/1	CODE-NU1	CHAPTER 145-NUISANCE PROPERTY 114 Vilone Rd Code of the Town of Elsmere Chapter 145 - This property has been deemed a Repeated Public Nuisance for having 3 (or more) violations occurring on the following dates: 5/12/2022, 8/11/2022, and 10/11/2022.  INV# I2301418 CLOSED AS PER ORD 565 MOVED TO STL  PARCEL# 00100-154 Cancellation: 11/01/22	1,000.000000	1,000.00
			TOTAL INVOICE	1,000.00- 0.00

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805

FREEBERY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

Invoice Id: I2301418

Customer Id: C-000927 PIN: 2571

Due Date: 12/01/22

Total Due: 0.00







EXHIBIT

tabbles

23-05 U

## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

<b>RESPONSIBLE PARTY</b> FREEBERRY GRACE M TRUSTEE 600 DANDENOG DR WILMINGTON, DE 19808	<b>CITATION #</b> V2300229 <b>OFFICER</b> N. Facciolo <b>VIOLATION DATE</b> 10/11/22 <b>PROPERTY ADDRESS</b> 114 VILONE RD <b>ABATEMENT DATE</b> 10/16/22
--	---

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
High grass and weeds above 8 inches tall throughout the property. Must be cut and maintained.	IPMC12-302.4 High grass / weeds	11/11/2022	\$ 100.00

## HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

## \*\*\*\*\*CITATION INFORMATION\*\*\*\*\*

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

## ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
11/11/2022	19-00100-154	V2300229	\$ 100.00

Mail Your Payment To:

The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.

## APPEALS

EXHIBIT

tabbies

23-05 v

### 111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

### 111.2 Notice of meeting.

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

### 111.3 Open hearing.

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

### 111.4 Procedure.

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

### 111.5 Postponed hearing.

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

### 111.6 Board decision.

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

### 111.7 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

### 111.8 Administration.

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

### 111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

### 111.10 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

tabbles

23-05 W

10/11/22

FREEBERRY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

Re.: Tax Parcel 19-00100-154 114 VILONE RD

Dear Property Owner,

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both of these documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

N. Facciolo

Code Enforcement Officer

cc: file

**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**



## NUISANCES

## ARTICLE I

**Nuisance Properties**  
**[Adopted 5-13-2004 by Ord. No. 430]**

**EXHIBIT**

tabbies

23-15 X**§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

**§ 145-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**OWNER** — Any person, individual, association, entity or corporation in whose name the affected real estate is recorded with the New Castle County Recorder of Deeds shall be presumed to be the owner thereof.

**PROHIBITED CONDUCT** — Any action or lack of action which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**PUBLIC NUISANCE** — A residence, premises, structure, place or lot, developed or undeveloped, which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**REPEAT PUBLIC NUISANCE** — Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice by the Code Enforcement Office of the Town of Elsmere that public nuisance has taken place at said location and within one year of that notice there is more than one additional violation at that location for prohibited conduct for which the owner or agent is again notified in writing.

**§ 145-3. Prohibited conduct.**

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

**§ 145-4. Presumptions.**

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
- B. Presumption of agency. Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises at the time a public nuisance exists, such evidence shall be presumptive that he or she was an agent of the property owner.

**§ 145-5. Violations and penalties; liability for cost of abatement.**

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

**§ 145-6. Service of notice.**

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
  - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
  - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
  - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

**§ 145-7. Enforcement.**

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.



EXHIBIT

tabbies

23-05 Y



EXHIBIT

tabbles

23-05 Z



**TOWN OF ELSMERE**11 POPLAR AVENUE  
ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2301392

INVOICE DATE: 10/18/22

DUE DATE: 11/17/22

**EXHIBIT**

tabbies

23-05 AA

CUSTOMER #: C-000927

FREEBERY GRACE M TRUSTEE

114 VILONE RD

WILMINGTON, DE 19805

## VIOLATION INFORMATION

VIOLATION ID: V2300229

LOCATION: 114 VILONE RD

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 114 VILONE ROAD IPMC 2012 CHAPTER 302.4 - High grass and weeds above 8 inches tall throughout the property. Must be cut and maintained.  INV# I2301392 CLOSED AS PER ORD 565 MOVED TO STL  PARCEL# 00100-154 Cancellation: 10/18/22	100.000000	100.00
			TOTAL INVOICE	100.00- 0.00

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805FREEBERY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

Invoice Id: I2301392

Customer Id: C-000927 PIN: 2571

Due Date: 11/17/22

Total Due: 0.00



**TOWN OF ELSMERE**11 POPLAR AVENUE  
ELSMERE, DE 19805

ATTN: VALARIE M. STRZEMPA

TEL: (302)998-2215 EXT: 110

FAX: (302)998-9920

INVOICE NO.

I2301402

INVOICE DATE: 10/20/22

DUE DATE: 11/21/22

**EXHIBIT**

tabbies

23-05 AB

CUSTOMER #: C-000927

FREEBERRY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	PRPMAN10	ABATEMENT/PROPERTY MAINT-P/W This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds above 8 inches tall throughout the property. The property has failed to bring the property into compliance from the conditions noted in citation numbers V2300229.  INV# I2301402 NOT PAID, MOVED TO STL PER ORD 565.  PARCEL# 00100-154 Cancellation: 11/22/22	85.320000	85.32
			TOTAL INVOICE	<div>85.32-</div> <div>0.00</div>

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805FREEBERRY GRACE M TRUSTEE  
114 VILONE RD  
WILMINGTON, DE 19805

Invoice Id: I2301402

Customer Id: C-000927 PIN: 2571

Due Date: 11/21/22

Total Due: 0.00





23-05 AC

# TOWN OF ELSMERE ABATEMENT COST FOR 114 VILONE ROAD

**BILL TO:****INFORMATION CONCERNING THE WORK PERFORMED**FREEBERRY GRACE M  
TRUSTEELocation Abatement  
performed:**114 VILONE ROAD WILMINGTON,  
DE 19805**

600 DANDENOG DR

WILMINGTON, DE 19808

Services Performed By: **PUBLIC WORKS DEPARTMENT**00100-154C-000927Date Services Performed: **10/18/2022****REASON THE WORK WAS PERFORMED**

This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds above 8 inches tall throughout the property. The property has failed to bring the property into compliance from the conditions noted in citation numbers V2300229.

**TYPE OF WORK PERFORMED**

NOTES: High grass and weeds above 8 inches tall throughout the property. Please cut and remove any debris uncovered while mowing.

The hourly costs for Town equipment are based upon the Federal Emergency Management Agency's "Schedule of Rates". All others are actual cost incurred.



**BREAKDOWN OF ACTUAL EXPENSES INCURRED BY THE TOWN****Personnel Costs:**

Personnel	Hourly Rate	Hours	Total
Trever Eveland	\$ 15.74	1	\$ 15.74
Thomas Harrison	\$ 16.06	1	\$ 16.06
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
<b>Total Personnel Cost</b>			<b>\$ 31.80</b>

**Cost of Town Equipment Used:**

Description	Cost Per Hour	Hours	Total
F350	\$ 26.77	1.00	\$ 26.77
z-turn	\$ 4.00	1.00	\$ 4.00
small trailer	\$ 11.25	1.00	\$ 11.25
weed wacker	\$ 5.00	1.00	\$ 5.00
weed wacker	\$ 5.00	1.00	\$ 5.00
leaf blower	\$ 1.50	1.00	\$ 1.50
	\$ -		\$ -
	\$ -		\$ -
<b>Total Cost for Town Equipment</b>			<b>\$ 53.52</b>

**Professional Services Cost:**

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**Total Expenses to the Town of Elsmere** **\$ 85.32**



EXHIBIT

23-05 AE

## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

<b>RESPONSIBLE PARTY</b> FREEBERY GRACE M TRUSTEE 600 DANDENOG DR WILMINGTON, DE 19808	<b>CITATION #</b> V2300101 <b>OFFICER</b> N. Facciolo <b>VIOLATION DATE</b> 08/11/22 <b>PROPERTY ADDRESS</b> 114 VILONE RD <b>ABATEMENT DATE</b> 08/16/22
---	--

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
High grass and weeds above 8 inches tall throughout the property. Must be cut and maintained.	IPMC12-302.4 High grass / weeds	09/11/2022	\$ 100.00

## HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

## \*\*\*\*\*CITATION INFORMATION\*\*\*\*\*

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

## ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
09/11/2022	19-00100-154	V2300101	\$ 100.00

Mail Your Payment To:

The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.

## APPEALS

EXHIBIT

tabbies

23-05 AF

### 111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

### 111.2 Notice of meeting.

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

### 111.3 Open hearing.

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

### 111.4 Procedure.

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

### 111.5 Postponed hearing.

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

### 111.6 Board decision.

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

### 111.7 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

### 111.8 Administration.

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

### 111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

### 111.10 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

tabbies

23-05 AG

08/11/22

FREEBERY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

Re.: Tax Parcel 19-00100-154 *114 VILONE RD*

Dear Property Owner,

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both of these documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

N. Facciolo

Code Enforcement Officer

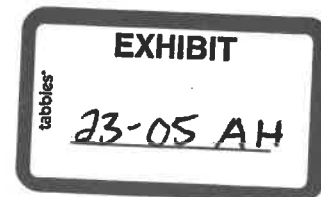
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**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**

## NUISANCES

## ARTICLE I

**Nuisance Properties**  
**[Adopted 5-13-2004 by Ord. No. 430]**

**§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

**§ 145-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**OWNER** — Any person, individual, association, entity or corporation in whose name the affected real estate is recorded with the New Castle County Recorder of Deeds shall be presumed to be the owner thereof.

**PROHIBITED CONDUCT** — Any action or lack of action which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**PUBLIC NUISANCE** — A residence, premises, structure, place or lot, developed or undeveloped, which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**REPEAT PUBLIC NUISANCE** — Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice by the Code Enforcement Office of the Town of Elsmere that public nuisance has taken place at said location and within one year of that notice there is more than one additional violation at that location for prohibited conduct for which the owner or agent is again notified in writing.

**§ 145-3. Prohibited conduct.**

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

**§ 145-4. Presumptions.**

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
- B. Presumption of agency. Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises at the time a public nuisance exists, such evidence shall be presumptive that he or she was an agent of the property owner.

**§ 145-5. Violations and penalties; liability for cost of abatement.**

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

**§ 145-6. Service of notice.**

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
  - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
  - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
  - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

**§ 145-7. Enforcement.**

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.



EXHIBIT

tabbies

23-05 AI



EXHIBIT

tabbles

23-05 AJ



SECLICKFIX ID  
12986721

PRIORITY  
Normal

REQUEST TYPE  
High Grass & Weeds

ADDRESS  
114 Vilone Rd Wilmington, Delaware, 19805

ASSIGNEE  
Nicole Facciolo

SLA EXPIRES  
August 16, 2022 12:40  
3 days late

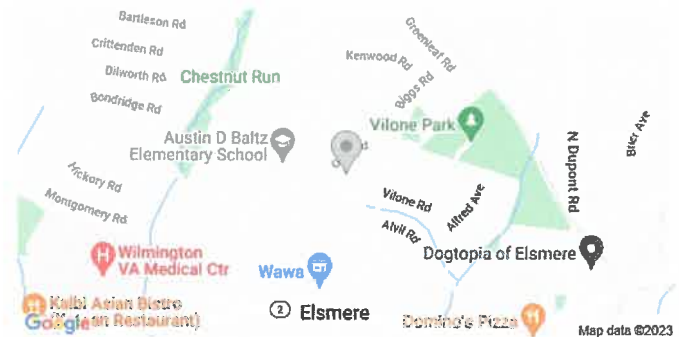
REPORTED  
August 11, 2022 12:40

EXHIBIT

23-06 AK

#### SECONDARY QUESTIONS

#### LOCATION



#### SUMMARY & DESCRIPTION

##### High Grass & Weeds

High grass and weeds above 8 inches tall throughout the property

Reported by: Nicole Facciolo 08/11/2022 - 12:40PM

#### MEDIA



TIMESTAMP	INTERNAL COMMENT	COMMENTER
August 11, 2022 12:40	Elsmere, DE assigned this issue to Nicole Facciolo	Elsmere, DE
August 11, 2022 12:40	Assigned to observing code officer.	Nicole Facciolo
August 11, 2022 12:41	While regularly patrolling this morning, I observed high grass and weeds above 8 inches tall throughout the property. Upon observing the violation at this location, I stopped and obtained a photo (shown above). I then issued a citation and it will be posted to the front door of the property this afternoon. A second copy was made and sent via USPS to the registered owner.	Nicole Facciolo
August 11, 2022 15:08	Posted citation photo	Nicole Facciolo

August 15,  
2022 12:06

A follow up was performed at this property on today's date of 8/15/22 and it was found that the property owner has failed to abate the violation noted above in citation V2300101. At this time, invoice I2300113 for the fine on the original citation has been issued and will be posted to the front door of the property this afternoon. A second copy was made and sent via USPS to the registered owner.

August 15, 2022 12:06 Yes

Due date changed from August 16, 2022 to August 19, 2022

Nicole  
Facciolo

August 15,  
2022 14:59

Posted invoice photo

Nicole  
Facciolo

August 18,  
2022 12:01

A second follow up was performed at this property on today's date of 8/18/22 and it was found that the property owner has still failed to abate the violation noted on the citation issued. Therefore, I have requested that the Town of Elsmere Public Works Department respond to this location to abate the violation at the registered owner's expense.

Nicole  
Facciolo

August 19,  
2022 15:54

As of today's date, the Public Works Department responded to this property as requested and performed the abatement for the violation.

Nicole  
Facciolo

August 19,  
2022 15:55

This case has been closed. No further action will be taken at this time.

Nicole  
Facciolo



**TOWN OF ELSMERE**

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2300113

INVOICE DATE: 08/15/22

DUE DATE: 09/14/22

**EXHIBIT**

tabbles

23-05 Am

CUSTOMER #: C-000927

FREEBERRY GRACE M TRUSTEE

600 DANDENOG DR

WILMINGTON, DE 19808

## VIOLATION INFORMATION

VIOLATION ID: V2300101

LOCATION: 114 VILONE RD

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 114 VILONE ROAD IPMC 2012 CHAPTER 302.4 - High grass and weeds above 8 inches tall throughout the property. Must be cut and maintained.  INV# I2300113 CLOSED MORED TO STL PER ORD 565  PARCEL# 00100-154 Cancellation: 08/15/22	100.000000	100.00
			TOTAL INVOICE	100.00- 0.00

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805FREEBERRY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

Invoice Id: I2300113

Customer Id: C-000927 PIN: 2571

Due Date: 09/14/22

Total Due: 0.00



# TOWN OF ELSMERE

11 POPLAR AVENUE  
ELSMERE, DE 19805

ATTN: VALARIE M. STRZEMPA

TEL: (302)998-2215 EXT: 110

FAX: (302)998-9920

INVOICE NO.

I2300141

INVOICE DATE: 08/24/22

DUE DATE: 09/26/22

EXHIBIT

tabbles

23-05 AN

CUSTOMER #: C-000927

FREEBERY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	PRPMAN10	ABATEMENT/PROPERTY MAINT-P/W 114 VILONE ROAD- INV# I2300141 INVOICE CLOSED UNPAID, ABATEMENT MOVED TO STL PER ORD 565  PARCEL# 00100-154 Cancellation: 09/26/22	63.260000	63.26
				63.26-
			TOTAL INVOICE	0.00

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805

FREEBERY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

Invoice Id: I2300141

Customer Id: C-000927 PIN: 2571

Due Date: 09/26/22

Total Due: 0.00



23-05 A0

# TOWN OF ELSMERE ABATEMENT COST FOR 114 VILONE ROAD

BILL TO:	INFORMATION CONCERNING THE WORK PERFORMED	
FREEBERRY GRACE M TRUSTEE  600 DANDENOG DR  WILMINGTON, DE 19808	Location Abatement performed:	114 VILONE ROAD WILMINGTON, DE 19805
	Services Performed By:	PUBLIC WORKS DEPARTMENT
	Date Services Performed:	8/22/2022

## REASON THE WORK WAS PERFORMED

This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds above 8 inches tall throughout the property. The property has failed to bring the property into compliance from the conditions noted in citation numbers V2300101.

## TYPE OF WORK PERFORMED

NOTES: High grass and weeds above 8 inches tall throughout the property. Please cut and remove any debris uncovered while mowing.

The hourly costs for Town equipment are based upon the Federal Emergency Management Agency's "Schedule of Rates". All others are actual cost incurred.

23-05 AP

# **BREAKDOWN OF ACTUAL EXPENSES INCURRED BY THE TOWN**

## **Personnel Costs:**

Personnel	Hourly Rate	Hours	Total
Trever Eveland	\$ 15.74	1	\$ 15.74
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
<b>Total Personnel Cost</b>			<b>\$ 15.74</b>

## **Cost of Town Equipment Used:**

Description	Cost Per Hour	Hours	Total
F350	\$ 26.77	1.00	\$ 26.77
trailer	\$ 11.25	1.00	\$ 11.25
weed wacker	\$ 5.00	1.00	\$ 5.00
leaf blower	\$ 1.50	1.00	\$ 1.50
push mower	\$ 3.00	1.00	\$ 3.00
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
<b>Total Cost for Town Equipment</b>			<b>\$ 47.52</b>

## **Professional Services Cost:**

Description	Total
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**Total Expenses to the Town of Elsmere** **\$ 63.26**





# THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

## \*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

<b>RESPONSIBLE PARTY</b> FREEBERY GRACE M TRUSTEE 600 DANDENOG DR WILMINGTON, DE 19808	<b>CITATION #</b> V2200635 <b>OFFICER</b> N. Facciolo <b>VIOLATION DATE</b> 05/12/22 <b>PROPERTY ADDRESS</b> 114 VILONE RD <b>ABATEMENT DATE</b> 05/17/22
---	---

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
High grass and weeds above 8 inches tall throughout the property. Must be cut.	IPMC12-302.4 High grass / weeds	06/12/2022	\$ 100.00

### HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

### \*\*\*\*\*CITATION INFORMATION\*\*\*\*\*

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

### ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

### Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
06/12/2022	19-00100-154	V2200635	\$ 100.00

Mail Your Payment To:

The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

**MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**

## APPEALS

EXHIBIT

tables

23-05 AR

### 111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

### 111.2 Notice of meeting.

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

### 111.3 Open hearing.

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

### 111.4 Procedure.

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

### 111.5 Postponed hearing.

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

### 111.6 Board decision.

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

### 111.7 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

### 111.8 Administration.

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

### 111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

### 111.10 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

tabbies

23-05 AS

05/12/22

FREEBERY GRACE M TRUSTEE  
600 DANDENOG DR  
WILMINGTON, DE 19808

Re.: Tax Parcel 19-00100-154 *114 VILONE RD*

Dear Property Owner,

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both of these documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

N. Facciolo

Code Enforcement Officer  
cc: file

**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**

## NUISANCES

## ARTICLE I

**Nuisance Properties**  
**[Adopted 5-13-2004 by Ord. No. 430]**

**EXHIBIT**

tabbles

**23-05 AT****§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

**§ 145-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**OWNER** — Any person, individual, association, entity or corporation in whose name the affected real estate is recorded with the New Castle County Recorder of Deeds shall be presumed to be the owner thereof.

**PROHIBITED CONDUCT** — Any action or lack of action which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**PUBLIC NUISANCE** — A residence, premises, structure, place or lot, developed or undeveloped, which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

**REPEAT PUBLIC NUISANCE** — Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice by the Code Enforcement Office of the Town of Elsmere that public nuisance has taken place at said location and within one year of that notice there is more than one additional violation at that location for prohibited conduct for which the owner or agent is again notified in writing.

**§ 145-3. Prohibited conduct.**

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

**§ 145-4. Presumptions.**

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
- B. Presumption of agency. Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises at the time a public nuisance exists, such evidence shall be presumptive that he or she was an agent of the property owner.

**§ 145-5. Violations and penalties; liability for cost of abatement.**

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

**§ 145-6. Service of notice.**

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
  - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
  - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
  - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

**§ 145-7. Enforcement.**

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.



EXHIBIT

tabbies

23-05 AU



EXHIBIT

tabbies

23-05 AV



SECLICKFIX ID  
12320011

PRIORITY  
Normal

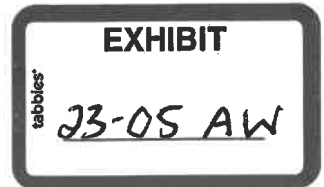
REQUEST TYPE  
High Grass & Weeds

ADDRESS  
114 Vilone Rd Wilmington, Delaware, 19805

ASSIGNEE  
Nicole Facciolo

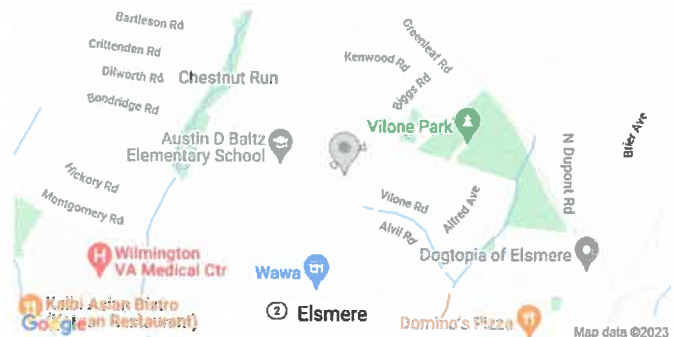
SLA EXPIRES  
May 17, 2022 15:17  
3 days late

REPORTED  
May 12, 2022 15:17



#### SECONDARY QUESTIONS

#### LOCATION



#### SUMMARY & DESCRIPTION

##### High Grass & Weeds

High grass and weeds above 8 inches tall throughout the property.

Reported by: Nicole Facciolo 05/12/2022 - 03:17PM

#### MEDIA



#### TIMESTAMP INTERNAL COMMENT

May 12, 2022 15:17		Elsmere, DE assigned this issue to Nicole Facciolo
May 12, 2022 15:17		Assigned to observing code officer.
May 12, 2022 15:18		While regularly patrolling this morning, I observed high grass and weeds above 8 inches tall throughout the property. Photo was obtained. Issued a citation and posted to the front door of the residence. A copy was mailed to the owner via USPS.
May 16, 2022 12:42	Yes	Due date changed from May 17, 2022 to May 20, 2022
May 16, 2022 14:19		Performed a follow-up this morning and observed that the violation has not been corrected. Issued an invoice and posted to the front door of the residence. A copy was mailed to the owner via USPS as well.

#### COMMENTER

Elsmere, DE

Nicole  
Facciolo

Nicole  
Facciolo

Nicole  
Facciolo

Nicole  
Facciolo

May 18,  
2022 11:59

As of today's date, the violation has not been corrected. I have sent a request to the Public Works Department to abate the violation.

Nicole  
Facciolo

May 20,  
2022 08:11

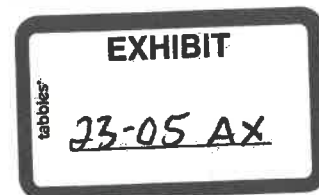
Per the Public Works Department, the violation has been abated as of 5/18/22. No further action will be taken at this time.

Nicole  
Facciolo

May 20,  
2022 08:11

This case has been closed. No further action will be taken at this time.

Nicole  
Facciolo





**TOWN OF ELSMERE**

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2201742

INVOICE DATE: 05/16/22

DUE DATE: 06/15/22

**EXHIBIT**

tabbles

23-05 AY

CUSTOMER #: C-000927

FREEBERY GRACE M TRUSTEE

609 DANDENOG DR

WILMINGTON, DE 19808

## VIOLATION INFORMATION

VIOLATION ID: V2200635

LOCATION: 114 VILONE RD

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 114 VILONE ROAD IPMC 2012 CHAPTER 302.4 - High grass and weeds above 8 inches tall throughout the property. Must be cut.	100.000000	100.00
			TOTAL INVOICE	100.00
		1 - 154		
		<b>If this invoice is not paid by the due date, the amount due will be charged to your property taxes as a <u>SPECIAL TAX LIEN!</u></b>		

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

Invoice Id: I2201742

Customer Id: C-000927 PIN: 2571

FREEBERY GRACE M TRUSTEE

609 DANDENOG DR

WILMINGTON, DE 19808

Due Date: 06/15/22

Total Due: 100.00



**TOWN OF ELSMERE**

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: VALARIE M. STRZEMPA

TEL: (302)998-2215 EXT: 110

FAX: (302)998-9920

INVOICE NO.

I2201756

INVOICE DATE: 05/19/22

DUE DATE: 06/20/22

**EXHIBIT**

tabbies

23-05 AZ

CUSTOMER #: C-000927

FREEBERY GRACE M TRUSTEE

609 DANDENOG DR

WILMINGTON, DE 19808

19-1-154

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	PRPMAN10	ABATEMENT/PROPERTY MAINT-P/W PROPERTY ABATEMENT- 114 VILONE RIAD PROPERTY ABATEMENT COMPLETED 5/18/22 RELATED TO VIOLATION V2200635	179.340000	179.34
			TOTAL INVOICE	179.34
<b>If this invoice is not paid by the due date, the amount due will be charged to your property taxes as a <u>SPECIAL TAX LIEN!</u></b>				

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805FREEBERY GRACE M TRUSTEE  
609 DANDENOG DR  
WILMINGTON, DE 19808

Invoice Id: I2201756

Customer Id: C-000927 PIN: 2571

Due Date: 06/20/22

Total Due: 179.34

Mailed  
5/19/22 -mw

23-05 BA

# TOWN OF ELSMERE ABATEMENT COST FOR 114 VILONE ROAD

BILL TO:	INFORMATION CONCERNING THE WORK PERFORMED	
FREEBERRY GRACE M TRUSTEE	Location Abatement performed:	114 VILONE ROAD WILMINGTON, DE 19805
600 DANDENOG DR		
WILMINGTON, DE 19808	Services Performed By:	PUBLIC WORKS DEPARTMENT
C-000927	Date Services Performed:	5/18/2022

## REASON THE WORK WAS PERFORMED

This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds over 8 inches tall throughout the property. The property has failed to bring the property into compliance from the conditions noted in citation number V2200635.

## TYPE OF WORK PERFORMED

NOTES: High grass and weeds throughout the property. Please cut and remove any debris uncovered while mowing.

The hourly costs for Town equipment are based upon the Federal Emergency Management Agency's "Schedule of Rates". All others are actual cost incurred.

23-05 BB

**BREAKDOWN OF ACTUAL EXPENSES INCURRED BY THE TOWN****Personnel Costs:**

Personnel	Hourly Rate	Hours	Total
Trevor Eveland	\$ 15.74	1.5	\$ 23.61
Anthony Gaines	\$ 28.53	1.5	\$ 42.80
	\$ -		\$ -
	\$ -		\$ -
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	\$ -		\$ -
<b>Total Personnel Cost</b>			<b>\$ 66.41</b>

**Cost of Town Equipment Used:**

Description	Cost Per Hour	Hours	Total
F 350	\$ 26.77	1.50	\$ 40.16
F-350	\$ 26.77	1.50	\$ 40.16
weedwacker	\$ 5.00	1.50	\$ 7.50
zeroturn	\$ 4.00	1.50	\$ 6.00
leafblower	\$ 1.50	1.50	\$ 2.25
trailer	\$ 11.25	1.50	\$ 16.88
	\$ -		\$ -
	\$ -		\$ -
<b>Total Cost for Town Equipment</b>			<b>\$ 112.94</b>

**Professional Services Cost:**

Description	Total
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**Total Expenses to the Town of Elsmere** **\$ 179.34**





# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT

tabbles

23-05 BC

## Witness List

Mayor

Eric Thompson

1<sup>st</sup> District Councilwoman  
President Pro-Tempore

Marianne Skipski

2<sup>nd</sup> District Councilwoman  
Secretary of Council

Sally Jensen

3<sup>rd</sup> District Councilwoman

Mary Steppi

4<sup>th</sup> District Councilman

Charles McKewen

5<sup>th</sup> District Councilwoman

Joann I. Personti

6<sup>th</sup> District Councilwoman

Dawn DiBiaso

Town Treasurer

Paul Chalfant

City Solicitor

James McMackin

The following is a potential list of witnesses that may be called to testify during your petition hearing.

1. Code Officer Scott Allen
2. Code Officer Nicole Facciolo
3. Administrative Assistant Denise Lardani

EXHIBIT  
23-05 BD  
tabbles



# Parcel Map

Author:



New Castle County Delaware GIS: <https://gis.nccde.org>  
Disclaimer: For informational purposes only - not to be used as official documentation.

Date: 4/12/2023



0 0.005 0.01 mi

**Parcel # 1900100154**

Property Address: 114 VILONE RD  
WILMINGTON, DE 19805--  
Subdivision: VILONE VILLAGE  
Owner: FREEBERY GRACE M TRUSTEE  
114 VILONE RD  
Owner Address:  
WILMINGTON, DE 19805  
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA



Lot #: 38	Property Class: RESIDENTIAL
Location:	Lot Size: 0.10
Map Grid: 09603560	Lot Depth: 100
Block: P	Lot Frontage: 74.30
Census Tract: 123.00	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: 000579	

**District & Zoning Info****Districts**

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- DE SEN 07-SPIROS MANTZAVINOS
- TRAFFIC ZONE T089 (YR2022)
- COUNCIL 1 - BRANDON T TOOLE
- DE REP 13-DESHANNA U NEAL
- NORTH OF C&D CANAL
- VILONE VILLAGE - Civic Organization - no contact information available
- ADD REQ PER SEC 10.3.4.4 DSSR
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA

**Zoning**

- 19R1 - ONE FAMILY DWELLING

**Deed History**

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
		N	6/1/1976	\$26,000.00
		N	3/1/1985	\$37,000.00
FREEBERY JAMES J & GRACE M	607 294	N	10/1/1987	\$55,500.00
FREEBERY GRACE	WR112964	N	8/14/1996	\$0.00
FREEBERY GRACE M TRUSTEE	20011221 0108520	N	11/12/2001	\$1.00

**Tax/Assessment Info****Assessment**

Land: 8000  
Structure: 20300  
Homesite: 0  
Total: 28300  
County Taxable: 28300  
School Taxable: 28300

**Tax Bills as of 4/12/2023 3:01:23 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$95.28	\$0.00	\$0.00	\$516.19
2011A	\$0.00	\$0.00	\$97.01	\$0.00	\$0.00	\$510.25
2012A	\$0.00	\$0.00	\$97.28	\$0.00	\$0.00	\$504.31
2013A	\$0.00	\$0.00	\$96.72	\$0.00	\$0.00	\$535.15
2014A	\$0.00	\$0.00	\$97.09	\$0.00	\$0.00	\$544.57
2015A	\$0.00	\$0.00	\$96.74	\$0.00	\$0.00	\$605.34
2016A	\$0.00	\$0.00	\$96.51	\$0.00	\$0.00	\$660.04
2017A	\$0.00	\$0.00	\$97.01	\$0.00	\$0.00	\$700.22
2018A	\$0.00	\$0.00	\$103.88	\$0.00	\$0.00	\$696.46
2019A	\$0.00	\$0.00	\$102.92	\$0.00	\$0.00	\$744.01
2020A	\$0.00	\$0.00	\$89.62	\$0.00	\$0.00	\$701.55
2021A	\$0.00	\$0.00	\$88.01	\$0.00	\$0.00	\$698.30
2022A	\$109.55	\$13.18	\$0.00	\$699.57	\$76.89	\$0.00

**Tax Payments as of 4/12/2023 3:01:23 AM**

Date Paid	Amt Paid
9/21/2010	\$611.47
9/22/2011	\$607.26

9/24/2012  
9/26/2013  
9/18/2014  
9/17/2015  
9/27/2016  
8/10/2017  
9/13/2018  
11/25/2019  
4/24/2020  
7/31/2020  
8/31/2021



\$601.59  
\$631.87  
\$641.66  
\$702.08  
\$756.55  
\$797.23  
\$800.34  
\$838.56  
\$8.37  
\$791.17  
\$786.31

County Balance Due: \$122.73

School Balance Due: \$776.46

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue on the first day of next month.

## Sewer History as of 4/12/2023 3:01:37 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2000S1	\$0.00	\$0.00	11/3/2000	\$293.39
2001S1	\$0.00	\$0.00	4/27/2001	\$250.01
2002S1	\$0.00	\$0.00	2/19/2002	\$246.63
2003S1	\$0.00	\$0.00	3/26/2003	\$282.07
2004S1	\$0.00	\$0.00	5/7/2004	\$277.79
2005S1	\$0.00	\$0.00	3/31/2005	\$261.43
2006S1	\$0.00	\$0.00	6/17/2008	\$302.30
2007S1	\$0.00	\$0.00	6/17/2008	\$326.26
2008S1	\$0.00	\$0.00	6/17/2008	\$283.69
2009S1	\$0.00	\$0.00	10/12/2010	\$360.18
2010S1	\$0.00	\$0.00	1/31/2011	\$312.14
2011S1	\$0.00	\$0.00	1/31/2011	\$276.51
2012S1	\$0.00	\$0.00	2/13/2012	\$276.24
2013S1	\$0.00	\$0.00	2/27/2013	\$309.39
2014S1	\$0.00	\$0.00	5/6/2014	\$302.92
2015S1	\$0.00	\$0.00	2/18/2015	\$160.73
2016S1	\$0.00	\$0.00	2/8/2016	\$68.88
2017S1	\$0.00	\$0.00	2/8/2017	\$57.40
2018S1	\$0.00	\$0.00	4/5/2018	\$158.20
2019S1	\$0.00	\$0.00	2/7/2019	\$56.00
2020S1	\$0.00	\$0.00	1/22/2020	\$56.00
2021S1	\$0.00	\$0.00	2/18/2021	\$56.00
2022S1	\$0.00	\$0.00	2/14/2022	\$81.00
2023S1	\$0.00	\$0.00	2/15/2023	\$81.00

Balance Due: \$0.00

Overpayment: \$226.88

These amounts are valid through the last day of the month. Statutory penalty will accrue on the first day of next month.

## Residence Characteristics

## Residence 0

Building Design: CAPE COD	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: GOOD
Year Built: 1950	# Stories: 1
Total Area (sq. ft.): 825	Main Floor Area: 832
# Rooms: 4	# Bedrooms: 2
# 1/2 Baths: 0	# Full Baths: 1
# Fam. Rooms: 0	# Fixtures: 5
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: ASBESTOS	Interior Wall Finish: DRYWALL
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %:
Basement % Finished:	Basement Finish Type:
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning:
Remodel Year: 0	