

TOWN OF ELSMERE

INV # I2301818 pr 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 a 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: April 12, 2023

Petition Number: 23-06

Date of the Original Action: 4/5/23

Tax Parcel Number: 19-4-206

Subject Property Address: 1338 Cypress Ave

Property Owner's Name: Thesali Miller

Phone Number:

Property Owners Address: 860 Sweet birch dr. Middletown De.

Applicant's Name: Calvin Hucks

Applicant's Address: 860 Sweet birch dr. Middletown De.

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

Citation V2300533

Reason for the Appeal:

There was a bag of trash left at our property that did not belong to us, which caused us to get this penalty, and we weren't able to amend original fine because we were out of town during violation

Relief sought:

Applicant's Signature:

Date: 4/12/23

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.

I2301818

INVOICE DATE:

DUE DATE:

EXHIBIT

tabbles

23-06 B

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	SIGNDEPO	DEPOSIT FOR CODE SIGNS	50.000000	50.00
			TOTAL INVOICE	50.00

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

Invoice Id: I2301818

Customer Id: C-002739 PIN: 064468

Due Date:

Total Due: 50.00





EXHIBIT
23-06C

THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT
*****CITATION*****

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

RESPONSIBLE PARTY HUCKS THESALIE MILLER 860 SWEET BIRCH DRIVE MIDDLETOWN, DE 19709	CITATION # V2300533 OFFICER S. Allen VIOLATION DATE 04/05/23 PROPERTY ADDRESS 1338 CYPRESS AVE ABATEMENT DATE
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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
This property has been deemed a Repeated Public Nuisance in the 3rd occurrence for having 3 or more violations within 12 months occurring on the following dates: 5/19/2022, 6/1/2022, 7/20/2022, 7/25/2022 (x2), 8/1/2022, 9/13/2022, 1/23/2023, and 3/27/2023.	CH 145 2ND Repeat Public Nuisance - 2nd or subsequent occurrence within 12 month period.	5/5/2023	\$ 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	19-00400-206	V2300533	\$ 2,000.00

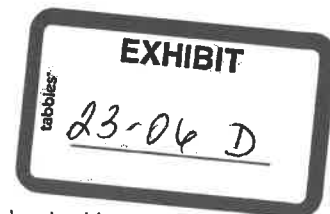
Mail Your Payment To:
The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

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

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

tabbles

23-06 E

04/05/23

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 *1338 CYPRESS AVE*

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

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

FAX: (302)998-9920

EXT: 104

INVOICE NO.

I2301788

INVOICE DATE:

DUE DATE:

EXHIBIT

tabbles

23-06 G

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2300533

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00/1	CODE-NU2	VIOLATION OF CHAPTER 145 1338 Cypress Avenue Code of the Town of Elsmere Chapter 145 - This property has been deemed a Repeated Public Nuisance in the 3rd occurrence for having 3 or more violations within 12 months occurring on the following dates: 5/19/2022, 6/1/2022, 7/20/2022, 7/25/2022 (x2), 8/1/2022, 9/13/2022, 1/23/2023, and 3/27/2023. If this invoice is not paid by the due date, the amount due will be charged to your property taxes as a SPECIAL TAX LIEN!	2,000.000000 TOTAL INVOICE	2,000.00 2,000.00

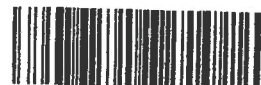
TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Invoice Id: I2301788

Customer Id: C-002739 PIN: 064468

Due Date: 05/05/23

Total Due: 2,000.00





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY HUCKS THESALIE MILLER 860 SWEET BIRCH DRIVE MIDDLETOWN, DE 19709	CITATION # V2300519 OFFICER N. Facciolo VIOLATION DATE 03/27/23 PROPERTY ADDRESS 1338 CYPRESS AVE ABATEMENT DATE 04/01/23
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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
Black trash bag in the rear yard of the property. Must be removed & disposed of properly.	IPMC12-308.2 Disposal of rubbish	04/27/2023	\$ 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.

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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
04/27/2023	19-00400-206	V2300519	\$ 100.00

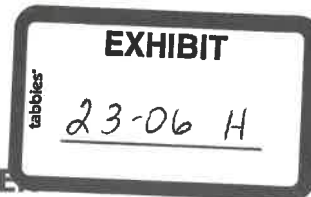
Mail Your Payment To:

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

111.1 Application for appeal.

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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.

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

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

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The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

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23-06 J

03/27/23

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

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.

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- 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

23-06 L

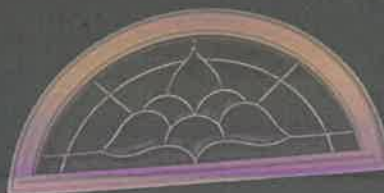


EXHIBIT

tabbles

23-06 M

1
3
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8



1
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4
0

This is a private request and can only be viewed by the reporter and users on your account.

Archived

Change Status

#14269034 (<https://seeclickfix.com/issues/14269034>)



Esri Community Maps Contributors, County of Chester, New Castle County, data.pa.gov, Delaware FirstMap, © OpenStreetMap, Microsoft, ... Powered by Esri (<http://www.esri.com/>)
39.7353310023031, -75.6037540247681 [Edit Location](#)

Junk & Debris

Created Date:

03/27/2023 12:36 PM

1338 Cypress Ave Wilmington, Delaware, 19805

Details

Black trash bag in the rear yard of the property

This request has no associated secondary questions.

2 6

Request Information

Reporter:

Nicole Facciolo (<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>) | Verified Official

✉ nnabb@townofelsmere.com

Report Method:

Request Form

Category:

Junk & Debris

Recategorize

Assigned to:

Nicole Facciolo

Assign

Due Date:

04/04/2023

Change Due Date

SLA Expires at:

03/30/2023

Priority:

Normal

Prioritize



(https://seeclickfix.com/organizations/1462/constituents/1633)

EXHIBIT

23-06 0

Subscribers

Subscribe

	Nicole Facciolo
--	-----------------

Status Log

Opened:	03/27/2023 12:36 PM
Acknowledged:	03/27/2023 12:36 PM
Closed:	04/04/2023 2:40 PM

Work Orders

New Work Order

No work orders match. Please try another filter.

Comments

AllPublic OnlyInternal Only

Nicole Facciolo

<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>

Opened

Black trash bag in the rear yard of the property



https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHB8MnVZcmc9PSlmlmV4cCl6bnVsbCwicHVyljo1YmxvY19pZCJ9fQ==--f04d4e052764d16230a917d80ecb690ddae851d6/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lKYW5CbFp3WTZCa1ZVT2hCaGRYUnZYMjl5YVdWdWRGUTZDbk4wY21sd1ZEb0xjbVZ6YVhwbFNTSU1PREF3ZURZd01BWTdCbFE9liwiZXhwIjpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--09f1d8a44f20164c6fe72999dd865d9ba60da451/1338%20Cypress%20-%201.jpeg

03/27/2023 12:36 PM

Elsmere, DE

<https://seeclickfix.com/users/1933299>

Assignment

Elsmere, DE assigned this issue to Nicole Facciolo

Flag • 03/27/2023 12:36 PM

Nicole Facciolo

<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>

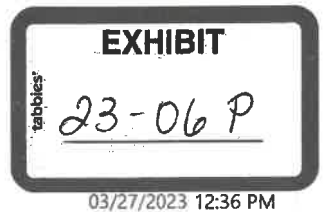
Acknowledged

Re-assigned to observing code officer.

Flag • 03/27/2023 12:36 PM

Nicole Facciolo <https://crm.seeclickfix.com/users/1950894> | Verified Official
Internal Comment

Due date changed from March 30, 2023 to April 04, 2023



Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

While regularly patrolling on today's date, I observed a violation at this property for a black trash bag in the rear yard of the property. Upon observing the violation at this location, I stopped and obtained photos (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.

Flag - 03/27/2023 12:37 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Posted citation photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBNktycmc9PSIsImV4cCI6bnVsbCwicHVlIjoiaYmxvYl9pZCJ9fQ==--7e9478b2a55521f9591c04aeb43de1bb60eb6998/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lKYW5CbFp3WTZCa1ZVT2hCaGRYUnZYMjl5YVdWdWRGUTZDbk4wY21sd1ZEb0xjbVZ6YVhwbFNTSU1PREF3ZURZd01BWTdCbFE9liwiZXhwlpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=-09f1d8a44f20164c6fe72999dd865d9ba60da451/1338%20Cypress%20-%202.jpeg)

Flag - 03/27/2023 3:10 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

A follow up was performed on today's date of 4/4/23 and it was found that the violation was abated by the occupant of the property.

Flag - 04/04/2023 2:40 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Closed

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

Flag - 04/04/2023 2:40 PM

Insert Prepared Content

Add an internal comment...

Add a Photo

☐ Public ☒ Internal

Post

**THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT*********CITATION*********EXHIBIT**

tabbles

23-06 Q

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

RESPONSIBLE PARTY	CITATION #	V2300380
HUCKS THESALIE MILLER	OFFICER	N. Facciolo
860 SWEET BIRCH DRIVE	VIOLATION DATE	01/23/23
MIDDLETOWN, DE 19709	PROPERTY ADDRESS	1338 CYPRESS AVE
	ABATEMENT DATE	01/28/23

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
Storm door is detached and laying in the front yard of the property. Must be repaired or replaced.	IPMC12-304.15 Exterior doors	02/23/2023	\$ 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.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
02/23/2023	19-00400-206	V2300380	\$ 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

23-06 R

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 23-06 S

01/23/23

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

NUISANCES

ARTICLE I

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

EXHIBIT

tabbies

23-06 T

§ 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

tabbles

23-06 U



EXHIBIT
tabbies 23-06. ✓

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This is a private request and can only be viewed by the reporter and users on your account.

Archived

Change Status

#13977957 (<https://seeclickfix.com/issues/13977957>)



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39.7353310023031, -75.6037540247681 [Edit Location](#)

Other

Created Date:

01/23/2023 1:41 PM

1338 Cypress Ave Wilmington, Delaware, 19805

Details

Storm door has become detached and is laying in the front yard of the property.

This request has no associated secondary questions.

2 5

Request Information

Reporter:

Nicole Facciolo (<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>) | Verified Official

✉ nnabb@townofelsmere.com

Report Method:

Request Form

Category:

Other

Recategorize

Assigned to:

Nicole Facciolo

Assign

Due Date:

01/31/2023

Change Due Date

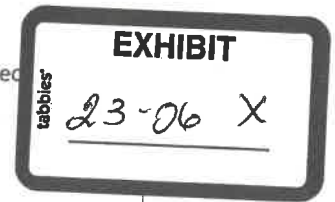
SLA Expires at:

01/26/2023

Priority:

Normal

Prioritize



Subscribe

Subscribers

Nicole Facciolo

Status Log

Opened:	01/23/2023 1:41 PM
Acknowledged:	01/23/2023 1:41 PM
Closed:	01/24/2023 11:59 AM

Work Orders

New Work Order

No work orders match. Please try another filter.

Comments

All Public Only Internal Only

Nicole Facciolo (<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>) | Verified Official

Opened

Storm door has become detached and is laying in the front yard of the property.



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBOWNjBxc9PSlslmV4cCI6bnVsbnVsbCwicHVyljoiYmxvYl9pZCJ9fQ==
-0bdfde28c4067b2eb15edf4c5dd67ed84948be68/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdVVG9MwM05eWJXRjBTU0lKYW5CbFp3WTZCa1ZVT2hCaGRYUnZYMjl5YVdWdWRGUTZDbk4wY21sd1ZEB0xjbVZ6YVhwbFNTSU1PREF3ZURZd01BWTdCbFE9liwiZXhwlpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=-09f1d8a44f20164c6fe72999dd865d9ba60da451/1338%20Cypress%20-%201.jpeg)

01/23/2023 1:41 PM

Nicole Facciolo (<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>) | Verified Official

Acknowledged

Re-assigned to observing code officer.

Flag - 01/23/2023 1:41 PM

Nicole Facciolo (<https://crm.seeclickfix.com/users/1950894>) | Verified Official

Internal Comment

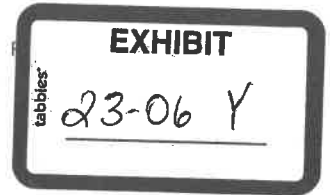
Nicole Facciolo assigned this issue to Nicole Facciolo

01/23/2023 1:41 PM

Nicole Facciolo (<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>) | Verified Official

Comment

While regularly patrolling on today's date, I observed a violation at this property for the front storm door has become detached and is laying the front yard of the property. Upon observing the violation at this location, I stopped and obtained photos (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.



01/23/2023 1:43 PM

Nicole Facciolo (https://crm.seeclickfix.com/users/1950894) | Verified Official
Internal Comment

Due date changed from January 26, 2023 to January 31, 2023

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official
Comment

Posted citation photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBK2dRbXc9PSlslmV4cCl6bnVsbCwicHVyIjoiYmxyYl9pZCJ9fQ==--d98deefe4f047d41c37743e1421907892038696b/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lKYW5CbFp3WTZCa1ZVT2hCaGRYUnZYMjl5YVdWdWRGUTZDdk4wY21sd1ZEB0xjbVZ6YVhwbFNTSU1PREF3ZURZd01BWtdCbFE9liwiZXhwIjpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--09f1d8a44f20164c6fe72999dd865d9ba60da451/1338%20Cypress%20-%202.jpeg)

Flag • 01/23/2023 3:00 PM

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official
Comment

The owner of the property came into Town Hall and showed proof that the violation has been corrected. No further action will be taken at this time.

Flag • 01/24/2023 11:58 AM

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official
Closed

No further action will be taken at this time for this violation. Citation V2300380 will be closed.

Flag • 01/24/2023 11:59 AM

Insert Prepared Content

Add an internal comment...

Add a Photo

☐ Public ☒ Internal

Post



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY	CITATION #	V2300163
HUCKS THESALIE MILLER	OFFICER	N. Facciolo
860 SWEET BIRCH DRIVE	VIOLATION DATE	09/13/22
MIDDLETOWN, DE 19709	PROPERTY ADDRESS	1338 CYPRESS AVE
	ABATEMENT DATE	09/18/22

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 in the front AND rear yards of the property. Must be cut and maintained.	IPMC12-302.4 High grass / weeds	10/13/2022	\$ 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
10/13/2022	19-00400-206	V2300163	\$ 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

23-06 AA

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

23-06 AB

09/13/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

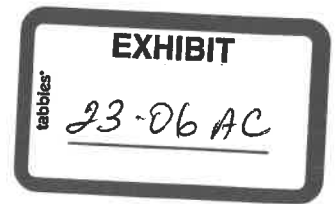
cc: file

A Council - Manager Municipality
Located on the Net at townofelsmere.com

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
tabbles
23-06 AD



EXHIBIT

tabbles

23-06 AE



EXHIBIT

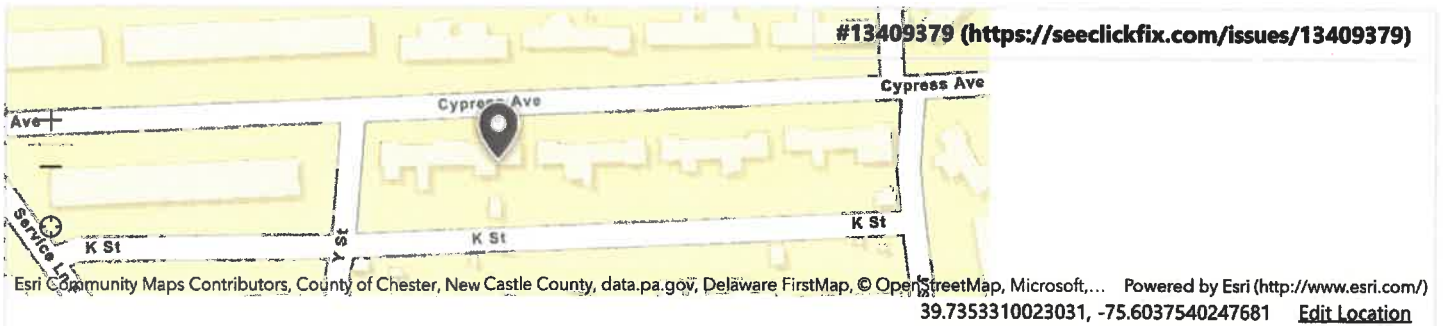
tabbles

23-06 AF

This is a private request and can only be viewed by the reporter and users on your account.

Archived

Change Status



High Grass & Weeds

Created Date:

09/13/2022 2:52 PM

1338 Cypress Ave Wilmington, Delaware, 19805

Details

High grass and weeds above 8 inches tall throughout the property

This request has no associated secondary questions.

2 4

Request Information

Reporter:

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official

nnabb@townofelsmere.com

Report Method:

Request Form

Category:

High Grass & Weeds

Recategorize

Assigned to:

Nicole Facciolo

Assign

Due Date:

09/20/2022

Change Due Date

SLA Expires at:

09/16/2022

Priority:

Normal

Prioritize

<https://seeclickfix.com>

EXHIBIT

tabbles
23-06 AG

Subscribe

Subscribers

Nicole Facciolo

Status Log

Opened:	09/13/2022 2:52 PM
Acknowledged:	09/13/2022 2:52 PM
Closed:	09/14/2022 1:25 PM

Work Orders

New Work Order

No work orders match. Please try another filter.

Comments

All Public Only Internal Only

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official

Opened

High grass and weeds above 8 inches tall throughout the property



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmlFpbHMiOnsibWVzc2FnZSI6IkJBaHBBMnZQY0E9PSlsmV4cCI6bnVsbCwicHVyljoiYmxvYl9pZCJ9fQ==--e9256936e97f36f0edc1a2e2f37298eb8c03d93a/eyJfcmlFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lJYW5CbKJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSklndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwlpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0==--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%201.jpg)

09/13/2022 2:52 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official

Acknowledged

Re-assigned to observing code officer.

Flag • 09/13/2022 2:52 PM

Nicole Facciolo <https://crm.seeclickfix.com/users/1950894> | Verified Official

Internal Comment

Nicole Facciolo assigned this issue to Nicole Facciolo

09/13/2022 2:52 PM

EXHIBIT

23-06 AH

09/13/2022 2:52 PM

Nicole Facciolo <https://crm.seeclickfix.com/users/1950894> | Verified Official
Internal Comment

Due date changed from September 16, 2022 to September 20, 2022

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

While regularly patrolling on today's date, I observed a violation at this property for high grass and weeds over 8 inches tall throughout the yards. 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.



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBM2pQY0E9PSIsImV4cCI6bnVsbCwicHVyIjoiYmxvYl9pZCJ9fQ==--9d4e694c1e938fe70c5b6e6c3c91b96453c965a8/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lJYW5CbkJqY0dSVIE2RUdGMWRHOWZiM0pwWlcl1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSklndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwIjpu dWxslCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%20202.jpg)

Flag · 09/13/2022 2:53 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

While regularly patrolling this morning, it was found that the violation was abated by the occupant of the property.

Flag · 09/14/2022 1:25 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Closed

No further action will be taken at this time for this violation. Citation V2300163 will be closed.

Flag · 09/14/2022 1:25 PM

Insert Prepared Content

Add an internal comment...

 Add a Photo

☐ Public ☒ Internal

Post



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY HUCKS THESALIE MILLER 860 SWEET BIRCH DRIVE MIDDLETOWN, DE 19709	CITATION # V2300068 OFFICER S. Allen VIOLATION DATE 08/01/22 PROPERTY ADDRESS 1338 CYPRESS AVE ABATEMENT DATE
--	--

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 or subsequent offense for 3 or more violations within a 12 month period occurring on the following dates: 01/05/2022 x2, 01/25/2022, 05/19/2022, 06/01/2022, 07/20/2022 & 07/25/2022 x2.	CH 145 2ND Repeat Public Nuisance - 2nd or subsequent occurrence within 12 month period.	09/01/2022	\$ 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
09/01/2022	19-00400-206	V2300068	\$ 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.

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

tabbles

23-06 AK

08/01/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

NUISANCES

ARTICLE I

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

EXHIBIT

tabbies

23-06 AL

§ 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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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.

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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.

I2300085

EXHIBIT

INVOICE DATE: 08

DUE DATE: 08

tabbles

23-06-AM

CUSTOMER #: C-002739

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2300068

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00/1	CODE-NU2	VIOLATION OF CHAPTER 145 1338 CYPRESS AVENUE TOWN OF ELSMERE CODE CHAPTER 145 - This property has been deemed a Repeated Public Nuisance in the 2nd or subsequent offense for 3 or more violations within a 12 month period occurring on the following dates: 01/05/2022 x2, 01/25/2022, 05/19/2022, 06/01/2022, 07/20/2022 & 07/25/2022 x2.	2,000.000000	2,000.00
			TOTAL INVOICE	2,000.00
		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>		

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

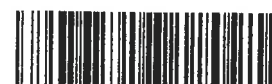
HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Invoice Id: I2300085

Customer Id: C-002739 PIN: 064468

Due Date: 08/31/22

Total Due: 2,000.00

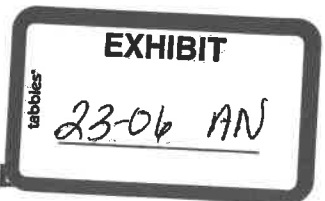




THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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



RESPONSIBLE PARTY	CITATION #	V2300057
HUCKS THESALIE MILLER	OFFICER	N. Facciolo
860 SWEET BIRCH DRIVE	VIOLATION DATE	07/25/22
MIDDLETOWN, DE 19709	PROPERTY ADDRESS	1338 CYPRESS AVE
	ABATEMENT DATE	07/30/22

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
Tire & Broken indoor chair in front of the garage in the rear yard of the property. Must be removed. Special pick up by Republic Services may be required.	IPMC12-308.1 Garbage / rubbish	08/25/2022	\$ 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
08/25/2022	19-00400-206	V2300057	\$ 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

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 23-06 A.P

07/25/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

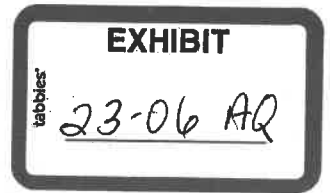
cc: file

A Council - Manager Municipality
Located on the Net at townofelsmere.com

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

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23-06 AR



EXHIBIT

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23-06 AS



TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2300069

EXHIBIT

INVOICE DATE: 07/

DUE DATE: 08/

tabbles

23-06 AT

19-4-206

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2300057

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 1338 CYPRESS AVENUE IPMC 2012 CHAPTER 308.1 - Tire & Broken indoor chair in front of the garage in the rear yard of the property. Must be removed. Special pick up by Republic Services may be required.	100.000000	100.00
			TOTAL INVOICE	100.00
		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>		

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

Invoice Id: I2300069

Customer Id: C-002739 PIN: 064468

Due Date: 08/27/22

Total Due: 100.00

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709



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.

I2300145

EXHIBIT

INVOICE DATE: 08/24
DUE DATE: 09/26

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23-06 AU

CUSTOMER #: C-002739

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	PRPMAN10	ABATEMENT/PROPERTY MAINT-P/W 1338 CYPRESS AVE-	42.510000	42.51
			TOTAL INVOICE	42.51
<p>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></p> <p>4-206</p>				

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Invoice Id: I2300145

Customer Id: C-002739 PIN: 064468

Due Date: 09/26/22

Total Due: 42.51



BREAKDOWN OF ACTUAL EXPENSES INCURRED BY THE TOWN

Personnel Costs:

Personnel	Hourly Rate	Hours	Total
Trever Eveland	\$ 15.74	1	\$ 15.74
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
Total Personnel Cost			\$ 15.74

Cost of Town Equipment Used:

Description	Cost Per Hour	Hours	Total
F350	\$ 26.77	1.00	\$ 26.77
	\$ -		\$ -
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Total Cost for Town Equipment			\$ 26.77

Professional Services Cost:

Description	Total
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Total Expenses to the Town of Elsmere **\$ 42.51**

TOWN OF ELSMERE ABATEMENT COST
1338 CYPRESS AVENUE

BILL TO:	INFORMATION CONCERNING THE WORK PERFORMED	
HUCKS THESALIE MILLER	Location Abatement performed:	1338 CYPRESS AVENUE ELSMERE, DE 19805
860 SWEET BIRCH DR		
MIDDLETOWN, DE 19709	Services Performed By:	PUBLIC WORKS DEPARTMENT
C-00 2739	Date Services Performed:	8/2/2022

REASON THE WORK WAS PERFORMED

This property is in violation of the International Property Maintenance Code 2012 Edition Section 308.1 for a tire & broken indoor chair in front of the garage in the rear yard of the property. The property has failed to bring the property into compliance from the conditions noted in citation number V2300057.

TYPE OF WORK PERFORMED

NOTES: Tire & broken indoor chair in front of the garage in the rear yard. Please remove & dispose of properly.

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



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY	CITATION #	V2300056
HUCKS THESALIE MILLER	OFFICER	N. Facciolo
860 SWEET BIRCH DRIVE	VIOLATION DATE	07/25/22
MIDDLETOWN, DE 19709	PROPERTY ADDRESS	1338 CYPRESS AVE
	ABATEMENT DATE	07/30/22

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
Stainless steel cooking pot in the rear yard filled with stagnant water. Must be drained & removed from the yard.	PC320-5 Waste Water Disposal	08/25/2022	\$ 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
08/25/2022	19-00400-206	V2300056	\$ 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.

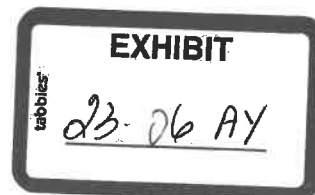
MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.

EXHIBIT

tabbies

23-06 AX

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

23-06 A2

07/25/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

NUISANCES

ARTICLE I

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

EXHIBIT

tabbies

23-06 BA

§ 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

tabbles

23-06 BB



EXHIBIT

tabbles

23-06 DC



TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2300068

EXHIBIT

INVOICE DATE: 07

DUE DATE: 08

tabbles

23-06 BD

19-4-204

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2300056

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 1338 CYPRESS AVENUE PLANNING COMMISSION CHAPTER 320-5: Stainless steel cooking pot in the rear yard filled with stagnant water. Must be drained & removed from the yard.	100.000000	100.00
			TOTAL INVOICE	100.00
		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>		

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Invoice Id: I2300068

Customer Id: C-002739 PIN: 064468

Due Date: 08/27/22

Total Due: 100.00





EXHIBIT

tabbies
23-06 BE

THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY HUCKS THESALIE MILLER 860 SWEET BIRCH DRIVE MIDDLETOWN, DE 19709	CITATION # V2300042 OFFICER N. Facciolo VIOLATION DATE 07/20/22 PROPERTY ADDRESS 1338 CYPRESS AVE ABATEMENT DATE 07/25/22
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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
High weeds above 8 inches tall throughout the property. Must be cut.	IPMC12-302.4 High grass / weeds	08/20/2022	\$ 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.

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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.

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Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
08/20/2022	19-00400-206	V2300042	\$ 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

tabbles

23-06 BF

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.

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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.

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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.

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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 23-06 BG

07/20/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

NUISANCES

ARTICLE I

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

EXHIBIT

tabbies

23-06 BH

§ 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
tabbles 23-06 BI



EXHIBIT

tabbles

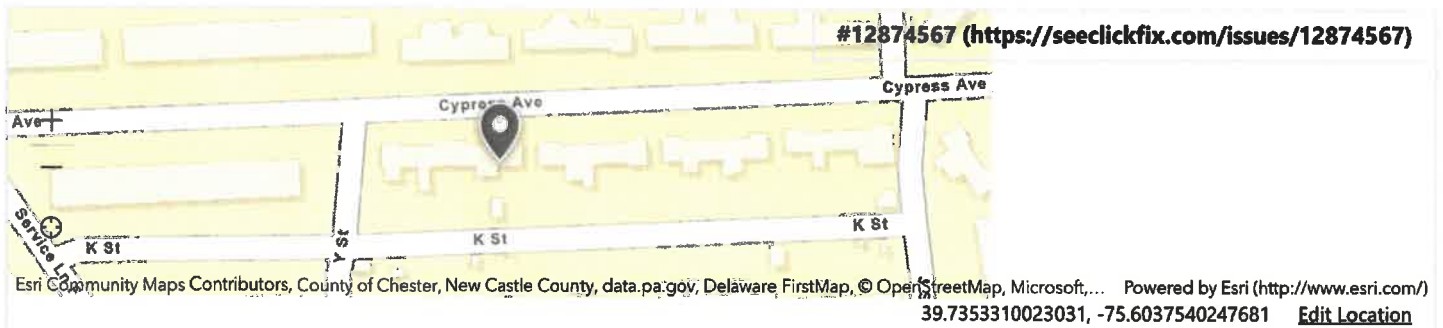
23-06 BJ



This is a private request and can only be viewed by the reporter and users on your account.

Archived

Change Status



High Grass & Weeds

Created Date:

07/20/2022 1:54 PM

1338 Cypress Ave Wilmington, Delaware, 19805

Details

High weeds above 8 inches tall throughout the property

This request has no associated secondary questions.

2 17

Request Information

Reporter:

Nicole Facciolo (<https://conversations.seeclickfix.com/organizations/1462/constituents/1633>) | Verified Official

✉ nnabb@townofelsmere.com

Report Method:

Request Form

Category:

High Grass & Weeds

Recategorize

Assigned to:

Nicole Facciolo

Assign

Due Date:

08/05/2022

Change Due Date

SLA Expires at:

07/25/2022

Priority:

Normal

Prioritize



(https://seeclickfix.com/)

EXHIBIT

tabbies

23-06 BL

Subscribe

Subscribers

Nicole Facciolo

Status Log

Opened: 07/20/2022 1:54 PM

Acknowledged: 07/20/2022 1:54 PM

Closed: 08/04/2022 8:01 AM

Work Orders

New Work Order

No work orders match. Please try another filter.

Comments

All Public Only Internal Only

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official

Opened

High weeds above 8 inches tall throughout the property



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBemNiYXc9PSIsImV4cCI6bnVsbCwicHVlIjoiYmxvYl9pZCJ9fQ==--f02cab5f9c002521a9238100a4fa097fedf179d3/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0IjYw5CbkJqb0dSViE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSkIndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwIjpodWxsLjCjwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%201.jpg)

07/20/2022 1:54 PM

Elsmere, DE <https://seeclickfix.com/users/1933299> | Verified Official

Assignment

Elsmere, DE assigned this issue to Nicole Facciolo

Flag • 07/20/2022 1:54 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official

Acknowledged

Assigned to observing code officer.

Flag • 07/20/2022 1:54 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official

Comment

While regularly patrolling this morning, I observed high weeds above 8 inches tall throughout the property. Photo was obtained. Issued a citation and it will be posted to the front door of the residence this afternoon. A copy was mailed to the owner via USPS.

EXHIBIT

tabbles

23-06 BM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Posted citation photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBMmtkYXc9PSIsImV4cCI6bnVsbCwicHVlJoiYmxvYl9pZCJ9fQ==--db2acaa72c217eeb15c407fdf7fc14f0e7ef2fda/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0UjYw5CbkJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSkIndzRNREI0TmpBd0Jqc0dWQT09liwiZXhwIjpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%202.jpg)

Flag · 07/20/2022 2:52 PM

Nicole Facciolo <https://crm.seeclickfix.com/users/1950894> | Verified Official
Internal Comment

Due date changed from July 25, 2022 to July 26, 2022

07/22/2022 12:36 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Performed a follow-up this morning and observed that the violation for high grass and weeds has NOT been corrected. Issued an invoice and I will be posting to the front door of the residence this afternoon. A copy was mailed to the owner via USPS as well.

Flag · 07/25/2022 1:46 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

While I was at the property this morning, I also observed 2 MORE violations. 1 for a stainless steel cooking pot in the rear yard that is collecting stagnant water as well as junk/debris such as a tire & a broken indoor chair in the rear yard. Photos were obtained. Issued 2 total citations and I will be posting them to the front door of the residence this afternoon. A copy of each was mailed to the owner via USPS as well.

Flag · 07/25/2022 1:46 PM

Nicole Facciolo <https://crm.seeclickfix.com/users/1950894> | Verified Official
Internal Comment

Due date changed from July 26, 2022 to July 29, 2022

07/25/2022 1:48 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Tire photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBME9WYXc9PSIsImV4cCI6bnVsbCwicHVlJoiYmxvYl9pZCJ9fQ==--fb7d2733d606a66f034a8eab66df5dd279ee435d/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0UjYw5CbkJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSkIndzRNREI0TmpBd0Jqc0dWQT09liwiZXhwIjpudWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%201.jpg)

Flag · 07/25/2022 1:49 PM

EXHIBIT

tabbles

23-06 BN

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official

Comment

Chair photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBMFdWYXc9PSIsImV4cCI6bnVsbCwicHVyIjoiYmxvYl9pZCJ9fQ==--043569584ff102babe00c99ca156817b94b12aee/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lJYW5CbkJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSkIndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwIjpu dWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%202.jpg)

Flag · 07/25/2022 1:49 PM

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official

Comment

Stagnant water in a pot photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBMGVWYXc9PSIsImV4cCI6bnVsbCwicHVyIjoiYmxvYl9pZCJ9fQ==--f5c8df7f193d034eda2a4850d328c4107bb4eb13/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lJYW5CbkJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSkIndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwIjpu dWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%203.jpg)

Flag · 07/25/2022 1:49 PM

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official

Comment

Posted invoice & citations photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBBOXlZYXc9PSIsImV4cCI6bnVsbCwicHVyIjoiYmxvYl9pZCJ9fQ==--0af897fec2e8a4ebfc88ce5b58c054461540f4ad/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lJYW5CbkJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSkIndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwIjpu dWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%204.jpg)

Flag · 07/25/2022 3:16 PM

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official

Comment

Performed another follow up this morning and observed that the violation for high grass and weeds still has not been corrected. I have sent a request to the Public Works Department to abate the violation.

Flag · 07/26/2022 12:12 PM

Nicole Facciolo (https://conversations.seeclickfix.com/organizations/1462/constituents/1633) | Verified Official

Comment

As of 7/27/22, the Public Works Department has abated the violation for high grass and weeds and the paperwork will be submitted to the Finance Department for billing. No further action will be taken at this time for this particular violation.

Flag · 07/28/2022 10:10 AM

tabbala

23-06 30

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Performed a follow-up this morning and observed that the violations for junk/debris & stagnant water have not been corrected. Issued 2 total invoices and I will be posting to the front door of the residence this afternoon. A copy of each invoice was mailed to the owner via USPS as well.

Flag · 07/28/2022 12:44 PM

Nicole Facciolo <https://crm.seeclickfix.com/users/1950894> | Verified Official
Internal Comment

Due date changed from July 29, 2022 to August 05, 2022

07/28/2022 12:49 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Posted invoice photo



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBWp6YXc9PSIsImV4cCI6bnVsbCwicHVyIjoiYmxvYl9pZCJ9fQ==--dbd4bf0fa87c909c6374e2885f7f7d2170bfe944/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lUYW5CbKJqb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSklndzRNREl0TmpBd0Jqc0dWQT09liwiZXhwIjpodWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%20Invoice.jpg)

Flag · 07/28/2022 2:46 PM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

Performed a follow up this morning and as of today's date the violation for junk/debris has still not been corrected. A request is being submitted to the Public Works Department to abate the violation.

Flag · 08/02/2022 11:17 AM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Comment

As of 8/2/22, the Public Works Department has abated the violation and the paperwork will be submitted to the Finance Department for billing. No further action will be taken at this time.

Flag · 08/04/2022 8:01 AM

Nicole Facciolo <https://conversations.seeclickfix.com/organizations/1462/constituents/1633> | Verified Official
Closed

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

Flag · 08/04/2022 8:01 AM

Insert Prepared Content

Add an internal comment...

Add a Photo

☐ Public ☒ Internal

Post

TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2300058

EXHIBIT

INVOICE DATE: 07/

DUE DATE: 08/

tabbles

23-06 BP

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2300042

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 1338 CYPRESS AVENUE IPMC 2012 CHAPTER 302.4 - High weeds above 8 inches tall throughout the property. Must be cut.	100.000000	100.00
			TOTAL INVOICE	100.00
		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>		
			4-206	

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Invoice Id: I2300058

Customer Id: C-002739 PIN: 064468

Due Date: 08/24/22

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.

I2300076

EXHIBIT

INVOICE DATE: 07

DUE DATE: 08

tabbles

23-06 BQ

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	PRPMAN10	ABATEMENT/PROPERTY MAINT-P/W 1338 CYPRESS AVE This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds throughout the property. The property has failed to bring the property into compliance from the conditions noted in citation number v2300042. PROPERTY ABATEMENT PERFORMED: 7/28/22	110.090000	110.09
			TOTAL INVOICE	110.09
		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>		
		4-206		

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

Invoice Id: I2300076

Customer Id: C-002739 PIN: 064468

Due Date: 08/29/22

Total Due: 110.09



BREAKDOWN OF ACTUAL EXPENSES INCURRED BY THE TOWN

Personnel Costs:

Personnel	Hourly Rate	Hours	Total
Trever Eveland	\$ 15.74	1	\$ 15.74
Kenny Keech	\$ 16.06	1	\$ 16.06
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Total Personnel Cost			\$ 31.80

Cost of Town Equipment Used:

Description	Cost Per Hour	Hours	Total
F350	\$ 26.77	1.00	\$ 26.77
F350	\$ 26.77	1.00	\$ 26.77
zero turn	\$ 4.00	1.00	\$ 4.00
leafblower	\$ 1.50	1.00	\$ 1.50
push mower	\$ 3.00	1.00	\$ 3.00
weed wacker	\$ 5.00	1.00	\$ 5.00
trailer	\$ 11.25	1.00	\$ 11.25
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Total Cost for Town Equipment			\$ 78.29

Professional Services Cost:

Description	Total
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TOWN OF ELSMERE ABATEMENT COST FOR 1338 CYPRESS AVENUE

BILL TO:**INFORMATION CONCERNING THE WORK PERFORMED**

HUCKS THESALIE MILLER

Location Abatement
performed:**1338 CYPRESS AVENUE ELSMERE,
DE 19805**

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

Services Performed By: **PUBLIC WORKS DEPARTMENT**

Date Services Performed:

7/28/2022**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 throughout the property. The property has failed to bring the property into compliance from the conditions noted in citation number V2300042.

TYPE OF WORK PERFORMED

NOTES: High grass and weeds throughout the property. Please cut & remove any junk or 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.



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY HUCKS THESALIE MILLER 860 SWEET BIRCH DRIVE MIDDLETOWN, DE 19709	CITATION # V2200702 OFFICER S. Allen VIOLATION DATE 06/01/22 PROPERTY ADDRESS 1338 CYPRESS AVE ABATEMENT DATE
--	--

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 3 or more violations within a 12 month period occurring on the following dates: 01/05/2022 (x2), 01/25/2022 & 05/19/2022.	CH 145 Repeat Public Nuisance Property	07/01/2022	\$ 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
07/01/2022	19-00400-206	V2200702	\$ 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.

EXHIBIT

tabbies

23-06 BT

APPEALS

EXHIBIT

tabbles

23-06 BU

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

23-06 BV

06/01/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

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.

I2201785

INVOICE DATE: 05/

DUE DATE: 06/

EXHIBIT

tabbies

23-06 BX

CUSTOMER #: C-002739

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2200702

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00/1	CODE-NU1	CHAPTER 145-NUISANCE PROPERTY 1338 Cypress Avenue Code of the Town of Elsmere Chapter 145 - This property has been deemed a Repeated Public Nuisance for 3 or more violations within a 12 month period occurring on the following dates: 01/05/2022 (x2), 01/25/2022 & 05/19/2022. Prn Payment: 06/20/22 CR 3831255602	1,000.000000	1,000.00
			TOTAL INVOICE	1,000.00
				1,000.00-
			BALANCE	0.00

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

HUCKS THESALIE MILLER

860 SWEET BIRCH DRIVE

MIDDLETOWN, DE 19709

Invoice Id: I2201785

Customer Id: C-002739 PIN: 064468

Due Date: 06/30/22

Total Due: 0.00





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY HUCKS THESALIE MILLER 860 SWEET BIRCH DRIVE MIDDLETOWN, DE 19709	CITATION #	V2200681
	OFFICER	S. Allen
	VIOLATION DATE	05/19/22
	PROPERTY ADDRESS	1338 CYPRESS AVE
	ABATEMENT DATE	05/24/22

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 over 8 inches tall throughout the yards. Must be cut.	IPMC12-302.4 High grass / weeds	6/19/2022	\$ 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
6/19/2022	19-00400-206	V2200681	\$ 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

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

23-06 CA

05/19/22

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Re.: Tax Parcel 19-00400-206 1338 CYPRESS AVE

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

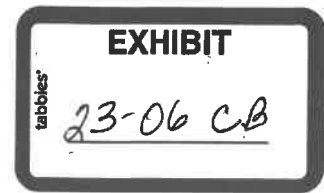
cc: file

A Council - Manager Municipality
Located on the Net at townofelsmere.com

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

tabbles®

23-06 CC



EXHIBIT

tabbles

Q3-06 CD



TOWN OF ELSMERE

11 POPLAR AVENUE
ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2201771

INVOICE DATE:

DUE DATE:

EXHIBIT

tabbies

23-06 CE

CUSTOMER #: C-002739

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

VIOLATION INFORMATION

VIOLATION ID: V2200681

LOCATION: 1338 CYPRESS AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CT2	CODE CITATION 1338 Cypress Avenue IPMC 2012 Section 302.4 - High grass and weeds over 8 inches tall throughout the yards. Must be cut.	100.000000	100.00
			TOTAL INVOICE	100.00
		4-206 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>		

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
MIDDLETOWN, DE 19709

Invoice Id: I2201771

Customer Id: C-002739 PIN: 064468

Due Date: 06/22/22

Total Due: 100.00



This is a private request and can only be viewed by the reporter and users on your account.

Archived

Change Status

#12355038 (<https://seeclickfix.com/issues/12355038>)



Esri Community Maps Contributors, County of Chester, New Castle County, data.pa.gov, Delaware FirstMap, © OpenStreetMap, Microsoft, ... Powered by Esri (<http://www.esri.com/>)
39.7353310023031, -75.6037540247681 [Edit Location](#)

High Grass & Weeds

Created Date:

05/19/2022 2:45 PM

1338 Cypress Ave Wilmington, Delaware, 19805

Details

While regularly patrolling on today's date, I observed a violation at this property for high grass and weeds over 8 inches tall throughout the yards.

This request has no associated secondary questions.

2 6

Request Information

Reporter:

Elsmere, DE Neighbor | Registered User

Report Method:

Request Form - Internal

Keyed by:

Scott Allen

Category:

High Grass & Weeds

Recategorize

Assigned to:

Scott Allen

Assign

Due Date:

05/30/2022

Change Due Date

SLA Expires at:

05/24/2022

Priority:

Normal

Prioritize



(https://see



Subscribers

Subscribe

Nicole Facciolo

Scott Allen

Status Log

Opened:	05/19/2022 2:45 PM
Acknowledged:	05/19/2022 2:45 PM
Closed:	05/26/2022 12:00 PM

Work Orders

New Work Order

No work orders match. Please try another filter.

Comments

All Public Only Internal Only

**Elsmere, DE Neighbor** | Registered User

Opened

While regularly patrolling on today's date, I observed a violation at this property for high grass and weeds over 8 inches tall throughout the yards.



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaHBBMWdEWIE9PSlsmV4cCI6bnVsbCwicHVlIjoYmxvY19pZCJ9fQ==--d643aa2e2f4fd27daeaadebdd391580e7a405790/eyJfcmFpbHMiOnsibWVzc2FnZSI6IkJBaDdDVG9MWm05eWJXRjBTU0lJYW5Cbklqb0dSVlE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSklndzRNREl0TmxBd0Jqc0dWQT09liwiZXhwIjpuZDVsLWJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%201.jpg)

05/19/2022 2:45 PM

**Elsmere, DE** (https://seeclickfix.com/users/1933299) | Verified Official

Assignment

Elsmere, DE assigned this issue to Nicole Facciolo

Flag • 05/19/2022 2:45 PM

**Scott Allen** (https://conversations.seeclickfix.com/organizations/1462/constituents/331644) | Verified Official

Acknowledged

Re-assigned to observing code officer.

Flag • 05/19/2022 2:45 PM

**Scott Allen** (https://crm.seeclickfix.com/users/1950899) | Verified Official

Internal Comment

Scott Allen assigned this issue to Scott Allen

EXHIBIT

tabbies

23-06 BH

Scott Allen <https://crm.seeclickfix.com/users/1950899> | Verified Official
Internal Comment

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.



(https://seeclickfix.com/rails/active_storage/representations/redirect/eyJfcmlFpbHMiOmsibWVzc2FnZSI6IkJBaHBBMIFEWIE9PSiIsImV4cCI6bnVsbCwicHVyIjoYmxvYl9pZCJ9fQ==--28117968ce8b123295aa38abea76f08dfdb92767/eyJfcmlFpbHMiOmsibWVzc2FnZSI6IkJBaDdVVG9MMWm05eWJXRjBTU0IjYw5CbKjQb0dSVIE2RUdGMWRHOWZiM0pwWlc1MFZEb0tjM1J5YVhCVU9ndHlaWE5wZW1WSklndzRNREI0TmpBd0Jqc0dWQT09IiwZlXhwljpuclWxsLCJwdXliOiJ2YXJpYXRpb24ifX0=--ee2a5b821fe0552ba6053903421e37a595d06845/1338%20Cypress%20-%202.jpg)

05/19/2022 2:45 PM

Scott Allen <https://conversations.seeclickfix.com/organizations/1462/constituents/331644> | Verified Official
Comment

A follow up was performed at this property on today's date of 5/23/2022. and it was found that the property owner has failed to abate the violation noted above in citation V2200681. At this time, invoice I2201771 for the fine on the original citation has been issued and posted to the front door of the property. A second copy was made and sent via USPS to the registered owner.

Flag - 05/23/2022 12:24 PM

Scott Allen <https://conversations.seeclickfix.com/organizations/1462/constituents/331644> | Verified Official
Comment

A second follow up was performed at this property on today's date of 5/25/2022 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.

Flag - 05/25/2022 12:09 PM

Scott Allen <https://crm.seeclickfix.com/users/1950899> | Verified Official
Internal Comment

Due date changed from May 24, 2022 to May 30, 2022

05/25/2022 12:09 PM

Scott Allen <https://conversations.seeclickfix.com/organizations/1462/constituents/331644> | Verified Official
Comment

As of today's date, of 5/26/2022, the Public Works Department responded to this property as requested and performed the abatement for the violation of high grass and weeds noted in citation V2200681 which now brings the property into compliance.

Flag - 05/26/2022 11:59 AM

Scott Allen <https://conversations.seeclickfix.com/organizations/1462/constituents/331644> | Verified Official
Closed

No further action will be taken at this time for this violation by the Code Department or the Public Works Department. Citation V2200681 will be closed. The abatement forms have been forwarded to the Finance Department for billing.

Flag - 05/26/2022 12:00 PM

Insert Prepared Content

Add an internal comment...

Parcel # 1900400206

Property Address: 1338 CYPRESS AVE
WILMINGTON, DE 19805-
Subdivision: ELSMERE GARDENS
Owner: HUCKS THESALIE MILLER
860 SWEET BIRCH DRIVE
Owner Address:
MIDDLETOWN, DE 19709
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA



Lot #: 76	Property Class: RESIDENTIAL
Location:	Lot Size: 0.05
Map Grid: 09403560	Lot Depth: 110
Block: 1	Lot Frontage: 18
Census Tract: 124.00	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: UNREC	

District & Zoning Info**Districts**

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- DE SEN 07-SPIROS MANTZAVINOS
- COUNCIL 1 - BRANDON T TOOLE
- DE REP 13-DESHANNA U NEAL
- NORTH OF C&D CANAL
- ADD REQ PER SEC 10.3.4.4 DSSR
- TRAFFIC ZONE T093 (YR2022)
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA
- ELSMERE GARDENS - Civic Organization - no contact information available

Zoning

- 19R2 - ONE/TWO FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
ELLIOTT JAMES A & WF	H82 440	N	Not Available	\$0.00
ELLIOTT MARIETTA	WR100614	N	6/14/1989	\$0.00
KEANEY DARLENE E	WR100613	N	12/20/1990	\$0.00
TORRES PEDRO	1539 140	N	6/11/1993	\$60,000.00
KEANEY DARLENE E & CARRIE	2187 44	N	8/21/1996	\$1.00
SHEPHERD JACQUELINE	20020417 0036540	N	4/15/2002	\$10.00
PLATA ROGELIO M	20060208 0013534	N	2/2/2006	\$118,000.00
HUCKS THESALIE MILLER	20200921 0081707	N	9/11/2020	\$113,900.00

Tax/Assessment Info**Assessment**

Land: 6600
Structure: 28600
Homesite: 0
Total: 35200
County Taxable: 35200
School Taxable: 35200

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	\$118.50	\$0.00	\$0.00	\$642.04
2011A	\$0.00	\$0.00	\$120.66	\$0.00	\$0.00	\$634.65
2012A	\$0.00	\$0.00	\$121.00	\$0.00	\$0.00	\$627.26
2013A	\$0.00	\$0.00	\$120.30	\$0.00	\$0.00	\$665.63
2014A	\$0.00	\$0.00	\$120.76	\$0.00	\$0.00	\$677.35
2015A	\$0.00	\$0.00	\$120.33	\$0.00	\$0.00	\$752.93
2016A	\$0.00	\$0.00	\$120.04	\$0.00	\$0.00	\$820.97
2017A	\$0.00	\$0.00	\$120.66	\$0.00	\$0.00	\$870.96
2018A	\$0.00	\$0.00	\$129.20	\$0.00	\$0.00	\$866.28
2019A	\$0.00	\$0.00	\$119.65	\$0.00	\$0.00	\$872.61
2020A	\$0.00	\$0.00	\$111.46	\$0.00	\$0.00	\$872.61
2021A	\$0.00	\$0.00	\$109.47	\$0.00	\$0.00	\$868.56
2022A	\$0.00	\$0.00	\$136.26	\$0.00	\$0.00	\$870.15

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

tabbles

23-06 BJ

Date Paid	
9/13/2010	\$760.54
9/8/2011	\$755.31
9/11/2012	\$748.26
9/26/2013	\$785.93
9/18/2014	\$798.11
9/17/2015	\$873.26
9/27/2016	\$941.01
9/21/2017	\$991.62
9/25/2018	\$995.48
9/24/2019	\$992.26
9/15/2020	\$984.07
9/28/2021	\$978.03
9/27/2022	\$1,006.41

County Balance Due: \$0.00

School Balance Due: \$0.00

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
2007S1	\$0.00	\$0.00	4/18/2007	\$109.00
2007S5	\$0.00	\$0.00	2/22/2008	\$111.55
2008S1	\$0.00	\$0.00	2/22/2008	\$213.80
2009S1	\$0.00	\$0.00	3/12/2009	\$236.49
2010S1	\$0.00	\$0.00	3/3/2010	\$214.74
2011S1	\$0.00	\$0.00	2/23/2011	\$223.33
2012S1	\$0.00	\$0.00	2/27/2012	\$386.74
2013S1	\$0.00	\$0.00	2/12/2013	\$331.49
2014S1	\$0.00	\$0.00	4/3/2014	\$287.02
2015S1	\$0.00	\$0.00	3/2/2015	\$264.06
2016S1	\$0.00	\$0.00	3/27/2017	\$270.99
2017S1	\$0.00	\$0.00	3/27/2017	\$304.24
2018S1	\$0.00	\$0.00	2/27/2018	\$241.09
2019S1	\$0.00	\$0.00	2/22/2019	\$385.75
2020S1	\$0.00	\$0.00	3/2/2020	\$372.89
2021S1	\$0.00	\$0.00	2/3/2021	\$287.00
2022S1	\$0.00	\$0.00	2/9/2022	\$205.02
2023S1	\$0.00	\$0.00	1/30/2023	\$320.74

Balance Due: \$0.00

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: ROW INSD	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: AVERAGE
Year Built: 1942	# Stories: 2
Total Area (sq. ft.): 875	Main Floor Area: 514
# Rooms: 6	# Bedrooms: 3
# 1/2 Baths: 0	# Full Baths: 1
# Fam. Rooms: 0	# Fixtures: 5
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: ALUMINIUM OR VINYL	Interior Wall Finish: PLASTER
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 75%
Basement % Finished:	Basement Finish Type:
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning: AIR CONDITIONING
Remodel Year: 0	



Explore New Castle County



EXHIBIT
23-06 BK

1900400206

Show search results for 19004...



40ft

-75.603 39.735 Degrees



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19701

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

EXHIBIT

tabbies

23-06 BL

Witness List

Mayor

Eric Thompson

1st District Councilwoman
President Pro-Tempore

Marianne Skipiski

2nd District Councilwoman
Secretary of Council

Sally Jensen

3rd District Councilwoman

Mary Steppi

4th District Councilman

Charles McKewen

5th District Councilwoman

Joann I. Personti

6th 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