

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

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that 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: <u>5/12/23</u>	Petition Number: <u>23-08</u>
Date of the Original Action: <u>4/21 4/24 5/02 and 5/11</u>	Tax Parcel Number: <u>1900-100-013</u>
Subject Property Address: <u>106.5 Washington Ave</u>	
Property Owner's Name: <u>Robert Ulrey</u>	Phone Number: <u>302 494 6481</u>
Property Owners Address: <u>793 Chambers Rock Rd Landenberg PA</u>	
Applicant's Name: <u>Robert H. Ulrey</u>	
Applicant's Address: <u>Same</u>	
Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.) <u>Numerous</u> <u>V2300689-690, V2300627, V2300588 (All others are past appeal date)</u>	
Reason for the Appeal: <u>taking care of elderly parents</u>	
Relief sought: <u>fines waved</u>	
* only appealing \$2,579. <sup>14</sup>	
Applicant's Signature: <u>Robert H. Ulrey</u> Date: <u>5/12/23</u>	



## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

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

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

<b>RESPONSIBLE PARTY</b>	<b>CITATION #</b>	V2300588
ULREY ROBERT H	<b>OFFICER</b>	N. Facciolo
590 THOMPSON STATION RD	<b>VIOLATION DATE</b>	04/21/23
NEWARK, DE 19711	<b>PROPERTY ADDRESS</b>	106 12 WASHINGTON AV
	<b>ABATEMENT DATE</b>	04/26/23

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
High grass and weeds above 8 inches tall throughout the property. Must be cut and maintained.	IPMC12-302.4 High grass / weeds	05/21/2023	\$ 100.00

#### HOW YOU CAN AVOID PAYING THE FINE

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

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

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

#### ABATEMENT COST

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

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

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

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
05/21/2023	19-00100-013	V2300588	\$ 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' 23-08 B



**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.

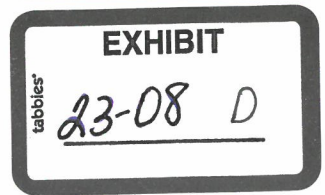
This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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



04/21/23

ULREY ROBERT H  
590 THOMPSON STATION RD  
NEWARK, DE 19711

Re.: Tax Parcel 19-00100-013 106 12 WASHINGTON AV

Dear Property Owner,

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

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

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

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

Respectfully,

N. Facciolo

Code Enforcement Officer  
cc: file

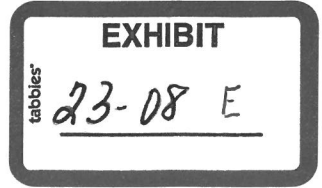
**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**



## NUISANCES

## ARTICLE I

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

**§ 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

23-08 F

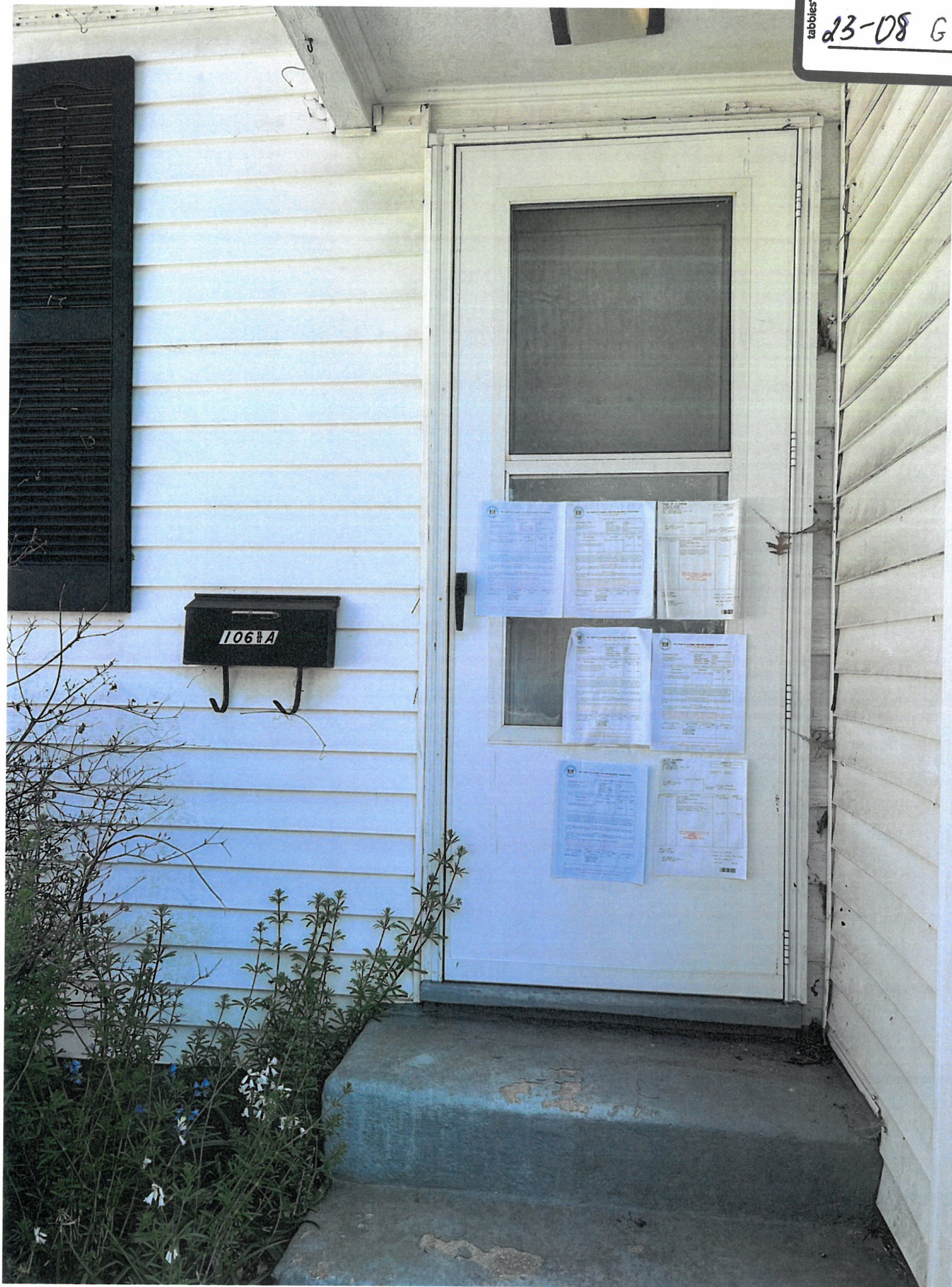




EXHIBIT

tabbies

23-08 G





# TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

12301872

INVOICE DATE: 04/24/23

DUE DATE: 05/24/23

EXHIBIT

tabbles

23-08 H

CUSTOMER #: C-002977

ULREY ROBERT H

793 CHAMBERS ROCK RD

LANDENBERG, PA 19350

VIOLATION INFORMATION

VIOLATION ID: V2300588

LOCATION: 106 12 WASHINGTON AV

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
..00	CODE-CT2	CODE CITATION 106 1/2 WASHINGTON AVENUE IPMC 2012 CHAPTER 302.4 - High grass and weeds above 8 inches tall throughout the property. Must be cut and maintained.	100.000000	100.00
			TOTAL INVOICE	100.00

1-013

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!**

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

ULREY ROBERT H

793 CHAMBERS ROCK RD

LANDENBERG, PA 19350

Invoice Id: 12301872

Customer Id: C-002977 PIN: 076208

Due Date: 05/24/23

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.

I2301892

INVOICE DATE: 04/28/23

DUE DATE: 05/28/23

EXHIBIT

tabbles

23-08 I

CUSTOMER #: C-002977

ULREY ROBERT H

793 CHAMBERS ROCK RD

LANDENBERG, PA 19350

1-013

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	PRPMAN10	ABATEMENT/PROPERTY MAINT-P/W This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds above 8 inches tall throughout the property. The property owner has failed to bring the property into compliance from the conditions noted in citation number V2300588.  PROPERTY ABATEMENT PERFORMED: 4/27/23	79.140000	79.14
			TOTAL INVOICE	79.14
		If this invoice is not paid by the due date, the amount due will be charged to your property taxes as a <b><u>SPECIAL TAX LIEN!</u></b>		

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805

ULREY ROBERT H  
793 CHAMBERS ROCK RD  
LANDENBERG, PA 19350

Invoice Id: I2301892

Customer Id: C-002977 PIN: 076208

Due Date: 05/28/23

Total Due: 79.14



# TOWN OF ELSMERE ABATEMENT COST FOR 106 1/2 WASHINGTON AVENUE

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

ULREY ROBERT H

590 THOMPSON STATION  
RD

NEWARK, DE 19711

**C-002977**Location Abatement  
performed:**106 1/2 WASHINGTON AVE  
WILMINGTON, DE 19805**

Services Performed By: PUBLIC WORKS DEPARTMENT

Date Services Performed:

**4/27/2023****REASON THE WORK WAS PERFORMED**

This property is in violation of the International Property Maintenance Code 2012 Edition Section 302.4 for high grass and weeds above 8 inches tall throughout the property. The property owner has failed to bring the property into compliance from the conditions noted in citation number V2300588.

**TYPE OF WORK PERFORMED**

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

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



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

## **Personnel Costs:**

Personnel	Hourly Rate	Hours	Total
Thomas Harrison	\$ 16.06	1	\$ 16.06
Kenny Keech	\$ 16.06	1	\$ 16.06
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
<b>Total Personnel Cost</b>			<b>\$ 32.12</b>

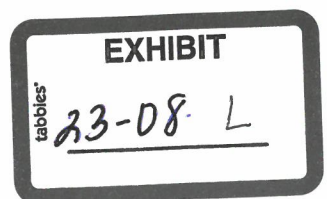
## **Cost of Town Equipment Used:**

Description	Cost Per Hour	Hours	Total
F-350	\$ 26.77	1.00	\$ 26.77
Trailer	\$ 11.25	1.00	\$ 11.25
weed wacker	\$ 5.00	1.00	\$ 5.00
zeroturn	\$ 4.00	1.00	\$ 4.00
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
<b>Total Cost for Town Equipment</b>			<b>\$ 47.02</b>

## **Professional Services Cost:**

Description	Total
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -</

**Total Expenses to the Town of Elsmere** **\$ 79.14**



## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

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

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

<b>RESPONSIBLE PARTY</b> ULREY ROBERT H 590 THOMPSON STATION RD NEWARK, DE 19711	<b>CITATION #</b> V2300627 <b>OFFICER</b> S. Allen <b>VIOLATION DATE</b> 05/02/23 <b>PROPERTY ADDRESS</b> 106 12 WASHINGTON AV <b>ABATEMENT DATE</b>
---	--

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

Specific Violation	Code Section	Due No Later Than	Amount Due
This property has been deemed a Repeated Public Nuisance in the 2nd or subsequent offense for 3 or more violations within a 12 month period occurring on the following dates: 09/20/2022(x6), 01/24/2023(x4), 02/28/2023(x4), 03/01/2023, 03/27/2023(x4), 04/05/2023, 04/20/2023(x4) & 04/21/2023.	CH 145 2ND Repeat Public Nuisance - 2nd or subsequent occurrence within 12 month period.	06/02/2023	\$ 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
06/02/2023	19-00100-013	V2300627	\$ 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

EXHIBIT

tabbies

23-08 M

### 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

23-08 N

05/02/23

ULREY ROBERT H  
590 THOMPSON STATION RD  
NEWARK, DE 19711

Re.: Tax Parcel 19-00100-013 106 12 WASHINGTON AV

Dear Property Owner,

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

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

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

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

Respectfully,

S. Allen

Code Enforcement Officer  
cc: file

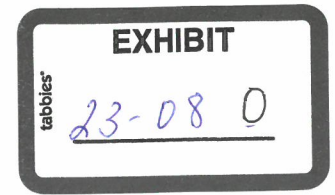
**A Council - Manager Municipality**  
**Located on the Net at [townofelsmere.com](http://townofelsmere.com)**



## NUISANCES

## ARTICLE I

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

**§ 145-1. Findings.**

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

**§ 145-2. Definitions.**

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

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

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

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

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

**§ 145-3. Prohibited conduct.**

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

**§ 145-4. Presumptions.**

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

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

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

**§ 145-6. Service of notice.**

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

**§ 145-7. Enforcement.**

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

# TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: SCOTT ALLEN

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

I2301904

INVOICE DATE: 05/02/23

DUE DATE: 06/01/23

EXHIBIT

tabbies

23-08 P

CUSTOMER #: C-002977

ULREY ROBERT H

793 CHAMBERS ROCK RD

LANDENBERG, PA 19350

VIOLATION INFORMATION

VIOLATION ID: V2300627

LOCATION: 106 12 WASHINGTON AV

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00/1	CODE-NU2	VIOLATION OF CHAPTER 145 106 1/2 WASHINGTON 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: 09/20/2022(x6), 01/24/2023(x4), 02/28/2023(x4), 03/01/2023, 03/27/2023(x4), 04/05/2023, 04/20/2023(x4) & 04/21/2023.	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 <b><u>SPECIAL TAX LIEN!</u></b>		

TOWN OF ELSMERE

11 POPLAR AVE

ELSMERE, DE 19805

ULREY ROBERT H

793 CHAMBERS ROCK RD

LANDENBERG, PA 19350

Invoice Id: I2301904

Customer Id: C-002977 PIN: 076208

Due Date: 06/01/23

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

<b>RESPONSIBLE PARTY</b>	<b>CITATION #</b>	V2300687
ULREY ROBERT H	<b>OFFICER</b>	N. Facciolo
590 THOMPSON STATION RD	<b>VIOLATION DATE</b>	05/11/23
NEWARK, DE 19711	<b>PROPERTY ADDRESS</b>	106 12 WASHINGTON AV
	<b>ABATEMENT DATE</b>	05/16/23

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
*** SIXTH NOTICE ***  Piles of deteriorating building materials inside the porch. Must be removed & disposed of properly.	IPMC12-308.1 Garbage / rubbish	06/11/2023	\$ 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
06/11/2023	19-00100-013	V2300687	\$ 100.00

Mail Your Payment To:

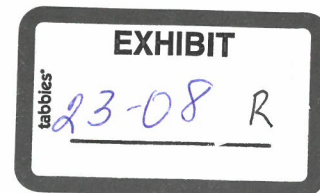
The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

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.

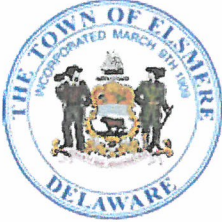
Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

### 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

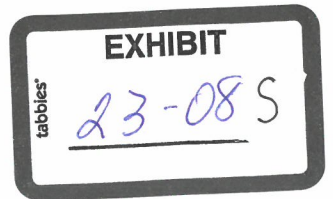




# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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



05/11/23

ULREY ROBERT H  
590 THOMPSON STATION RD  
NEWARK, DE 19711

Re.: Tax Parcel 19-00100-013 106 12 WASHINGTON AV

Dear Property Owner,

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

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

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

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

Respectfully,

N. Facciolo

Code Enforcement Officer

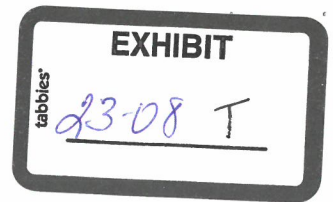
cc: file

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

## NUISANCES

## ARTICLE I

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

**§ 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.



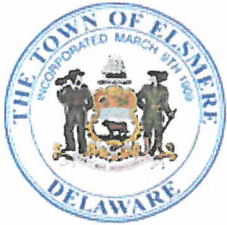
EXHIBIT

tabbles

23-08 u







## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

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

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

<b>RESPONSIBLE PARTY</b> ULREY ROBERT H 590 THOMPSON STATION RD NEWARK, DE 19711	<b>CITATION #</b>	V2300688
	<b>OFFICER</b>	N. Facciolo
	<b>VIOLATION DATE</b>	05/11/23
	<b>PROPERTY ADDRESS</b>	106 12 WASHINGTON AV
	<b>ABATEMENT DATE</b>	05/16/23

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
*** SIXTH NOTICE ***  Fascia board is missing from half of the roof structure & the roof itself appears to be in poor condition. Must be repaired or replaced as to not cause further damage.	IPMC12-304.7 Roof / Gutters / Downspouts	06/11/2023	\$ 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
06/11/2023	19-00100-013	V2300688	\$ 100.00

Mail Your Payment To:

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

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

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

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



## APPEALS



### 111.1 Application for appeal.

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

### 111.2 Notice of meeting.

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

### 111.3 Open hearing.

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

### 111.4 Procedure.

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

### 111.5 Postponed hearing.

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

### 111.6 Board decision.

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

### 111.7 Records and copies.

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

### 111.8 Administration.

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

### 111.9 Court review.

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

### 111.10 Stays of enforcement.

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

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



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

tabbies

23-08 X

05/11/23

ULREY ROBERT H  
590 THOMPSON STATION RD  
NEWARK, DE 19711

Re.: Tax Parcel 19-00100-013 106 12 WASHINGTON AV

Dear Property Owner,

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

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

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

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

Respectfully,

N. Facciolo

Code Enforcement Officer

cc: file

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



## NUISANCES

## ARTICLE I

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

**§ 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.**

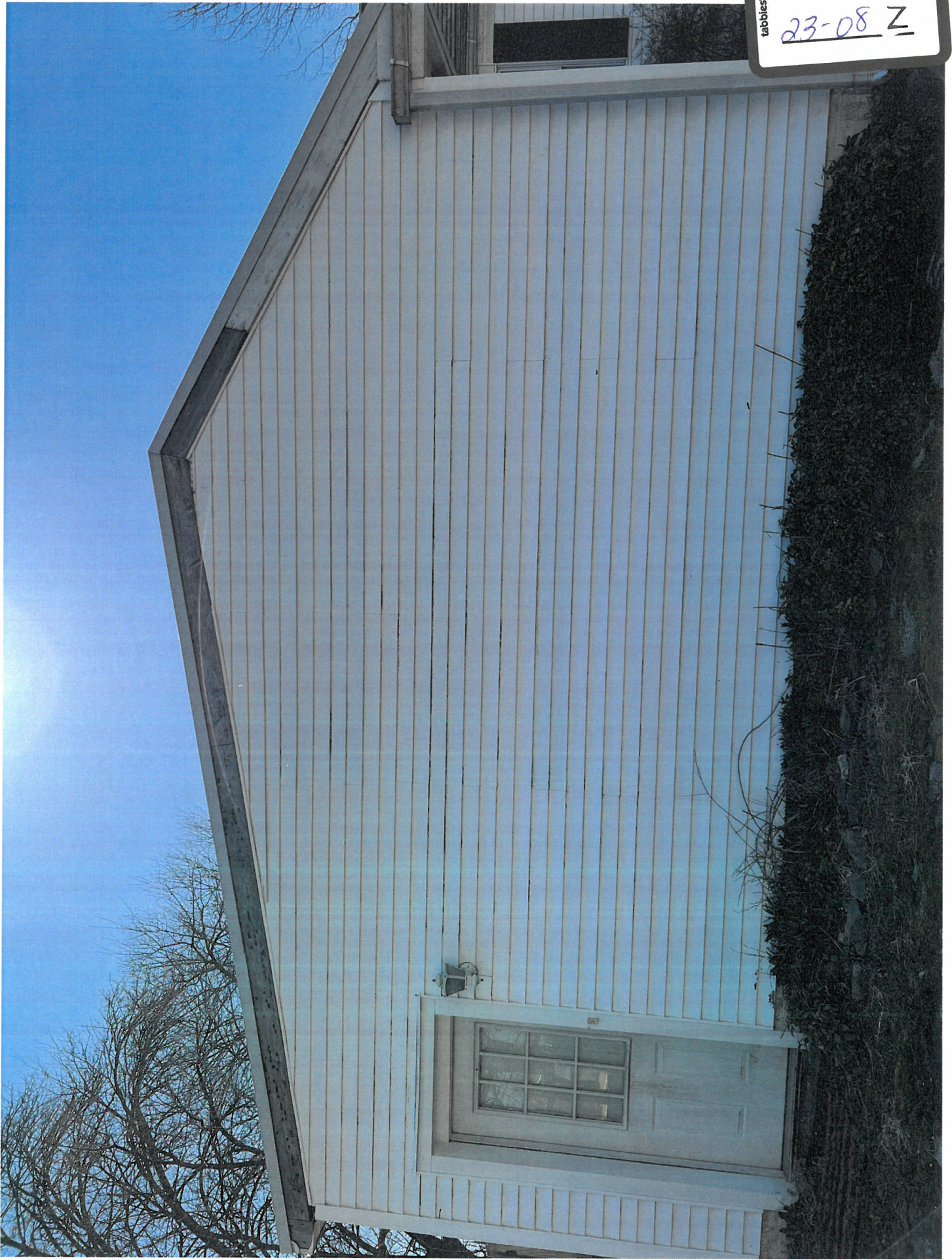
- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his 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

23-08 Z





EXHIBIT

tabbles

23-08 AA







EXHIBIT

tabbles  
23-08 AB

## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

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

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

<b>RESPONSIBLE PARTY</b> ULREY ROBERT H 590 THOMPSON STATION RD NEWARK, DE 19711	<b>CITATION #</b> V2300689 <b>OFFICER</b> N. Facciolo <b>VIOLATION DATE</b> 05/11/23 <b>PROPERTY ADDRESS</b> 106 12 WASHINGTON AV <b>ABATEMENT DATE</b> 05/16/23
---	--

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
*** SIXTH NOTICE ***  Fence is missing numerous pickets and is in poor condition. Must be repaired, replaced or removed completely.	IPMC12-302.7 Accessory structure	06/11/2023	\$ 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
06/11/2023	19-00100-013	V2300689	\$ 100.00

Mail Your Payment To:

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

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

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

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



## APPEALS

**111.1 Application for appeal.**

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

**111.2 Notice of meeting.**

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

**111.3 Open hearing.**

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

**111.4 Procedure.**

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

**111.5 Postponed hearing.**

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

**111.6 Board decision.**

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

**111.7 Records and copies.**

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

**111.8 Administration.**

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

**111.9 Court review.**

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

**111.10 Stays of enforcement.**

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

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



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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



05/11/23

ULREY ROBERT H  
590 THOMPSON STATION RD  
NEWARK, DE 19711

Re.: Tax Parcel 19-00100-013 106 12 WASHINGTON AV

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

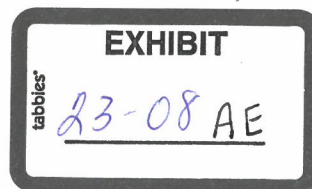
Code Enforcement Officer  
cc: file



## 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

23-08 AF







## THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

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

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

<b>RESPONSIBLE PARTY</b> ULREY ROBERT H 590 THOMPSON STATION RD NEWARK, DE 19711	<b>CITATION #</b>	V2300690
	<b>OFFICER</b>	N. Facciolo
	<b>VIOLATION DATE</b>	05/11/23
	<b>PROPERTY ADDRESS</b>	106 12 WASHINGTON AV
	<b>ABATEMENT DATE</b>	05/16/23

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
*** SIXTH NOTICE ***  Insect screens are missing from all visible windows on the residence. Must be installed.	IPMC12-304.14 Screen for window	06/11/2023	\$ 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
06/11/2023	19-00100-013	V2300690	\$ 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.

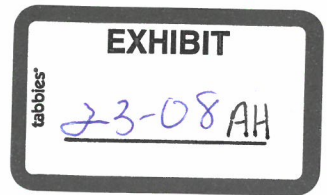
**MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.**

EXHIBIT

tabbies

23-08 AG

## 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

23-08 AI

05/11/23

ULREY ROBERT H  
590 THOMPSON STATION RD  
NEWARK, DE 19711

Re.: Tax Parcel 19-00100-013 106 12 WASHINGTON AV

Dear Property Owner,

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

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

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

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

Respectfully,

N. Facciolo

Code Enforcement Officer

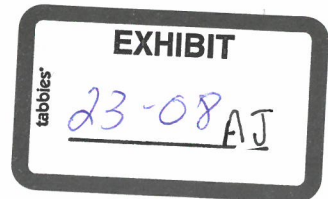
cc: file

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

## NUISANCES

## ARTICLE I

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

**§ 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.**

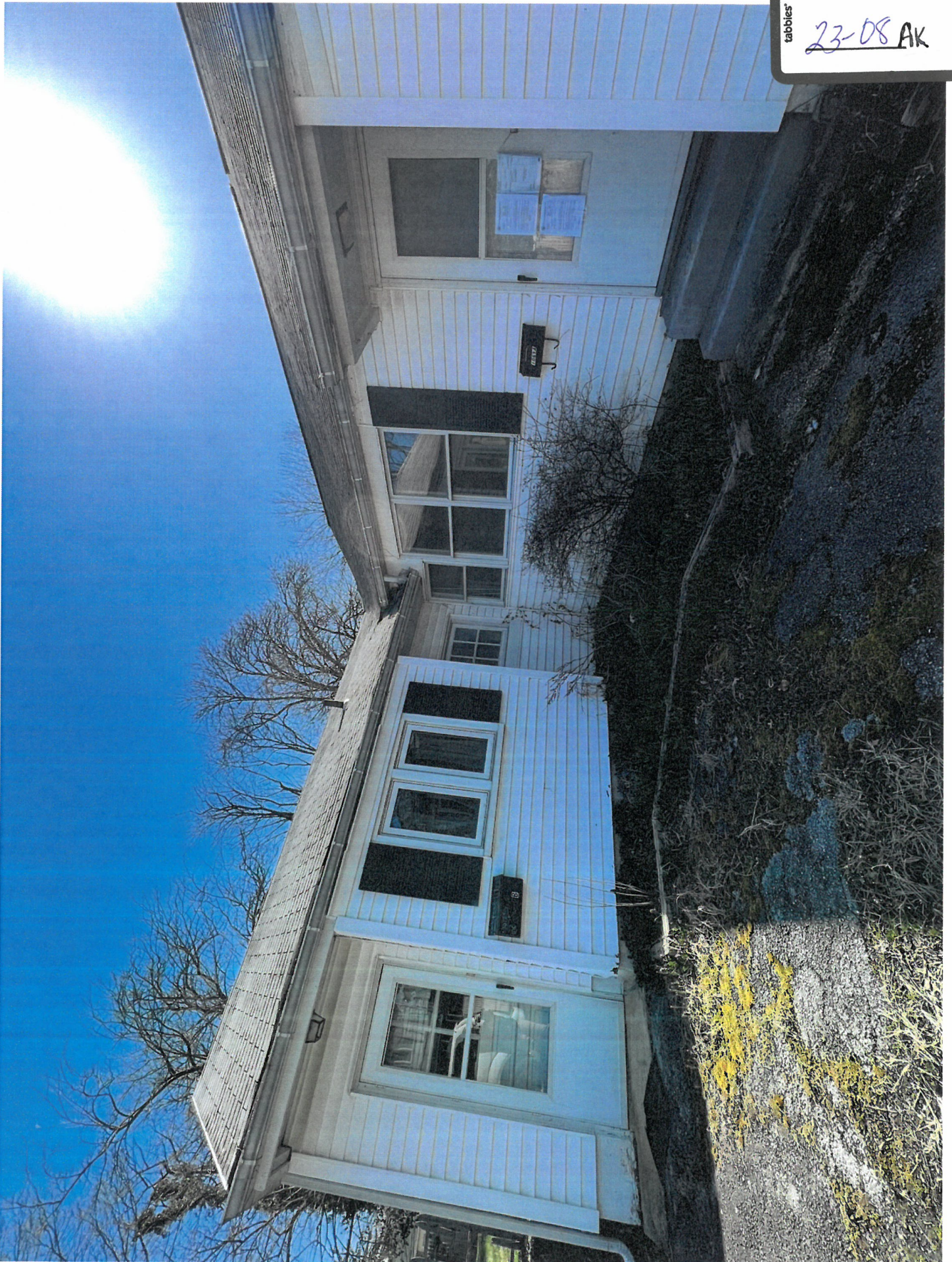
- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his 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

23-08 AK





EXHIBIT

tabbies

23-08 AL





## CITATIONS ISSUED WITHIN 12 MONTHS

Violation Id	Property Location	Owner Name	Ordinance Id 1	Ordinance 1 Descript	Violation Date	Complaint Name	Invoice Issued?
V2300207	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.14	Screen for window	9/20/2022	N. Facciolo	No
V2300208	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-302.4	High grass / weeds	9/20/2022	N. Facciolo	No
V2300209	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-302.7	Accessory structure	9/20/2022	N. Facciolo	No
V2300210	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.7	Roof / Gutters / Downspouts	9/20/2022	N. Facciolo	No
V2300211	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-302.1	Sanitation of property	9/20/2022	N. Facciolo	No
V2300212	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-308.1	Garbage / rubbish	9/20/2022	N. Facciolo	No
V2300385	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-308.1	Garbage / rubbish	1/24/2023	N. Facciolo	No
V2300386	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.7	Roof / Gutters / Downspouts	1/24/2023	N. Facciolo	No
V2300387	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-302.7	Accessory structure	1/24/2023	N. Facciolo	No
V2300388	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.14	Screen for window	1/24/2023	N. Facciolo	No
V2300451	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-308.1	Garbage / rubbish	2/28/2023	N. Facciolo	Yes
V2300452	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.7	Roof / Gutters / Downspouts	2/28/2023	N. Facciolo	Yes
V2300453	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-302.7	Accessory structure	2/28/2023	N. Facciolo	Yes
V2300454	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.14	Screen for window	2/28/2023	N. Facciolo	Yes
V2300456	106 12 WASHINGTON AVE	ULREY ROBERT H	CH 145	Repeat Public Nuisance Property	3/1/2023	S. Allen	Yes - \$1,000
V2300521	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-308.1	Garbage / rubbish	3/27/2023	N. Facciolo	Yes
V2300522	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.7	Roof / Gutters / Downspouts	3/27/2023	N. Facciolo	Yes
V2300523	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-302.7	Accessory structure	3/27/2023	N. Facciolo	Yes
V2300524	106 12 WASHINGTON AVE	ULREY ROBERT H	IPMC12-304.14	Screen for window	3/27/2023	N. Facciolo	Yes
V2300532	106 12 WASHINGTON AVE	ULREY ROBERT H	CH 145 2ND	Repeat Public Nuisance - 2nd or subsequent occurrence within 12 month period.	4/5/2023	S. Allen	Yes - \$2,000
V2300573	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-308.1	Garbage / rubbish	4/20/2023	N. Facciolo	Yes
V2300574	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-304.7	Roof / Gutters / Downspouts	4/20/2023	N. Facciolo	Yes
V2300575	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-302.7	Accessory structure	4/20/2023	N. Facciolo	Yes
V2300576	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-304.14	Screen for window	4/20/2023	N. Facciolo	Yes
V2300588	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-302.4	High grass / weeds	4/21/2023	N. Facciolo	Yes
V2300627	106 12 WASHINGTON AV	ULREY ROBERT H	CH 145 2ND	Repeat Public Nuisance - 2nd or subsequent occurrence within 12 month period.	5/2/2023	S. Allen	Yes - \$2,000
V2300687	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-308.1	Garbage / rubbish	5/11/2023	N. Facciolo	Yes
V2300688	106 12 WASHINGTON AV	ULREY ROBERT H	IPMC12-304.7	Roof / Gutters / Downspouts	5/11/2023	N. Facciolo	Yes

tabbles

EXHIBIT

23-08 AM



SECLICKFIX ID  
13447850

REQUEST TYPE  
Other

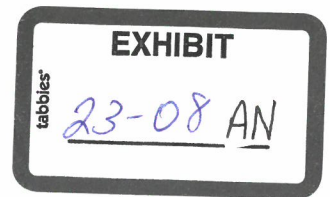
ASSIGNEE  
Nicole Facciolo

PRIORITY  
Normal

ADDRESS  
106 1/2 Washington Ave Wilmington, Delaware, 19805

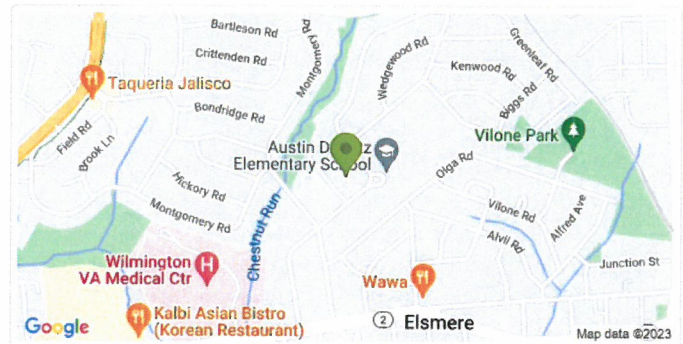
SLA EXPIRES  
September 23, 2022 15:44  
9 months late

REPORTED  
September 20, 2022 15:44



## SECONDARY QUESTIONS

## LOCATION



## SUMMARY & DESCRIPTION

### Multiple Violations

Received a complaint regarding the condition of this property. I responded out on today's date and I observed 6 violations at this property for the following:

Screen for one of the windows is detached & leaning up against the residence

High grass and weeds above 8 inches tall throughout the property

Fence is missing numerous pickets & is in overall poor condition

Fascia board is missing from half of the roof structure AND the roof itself appears to be in poor condition

Bucket filled with stagnant water

Piles of deteriorating building materials inside the porch

Reported by: Nicole Facciolo 09/20/2022 - 03:44PM

## MEDIA



## TIMESTAMP INTERNAL COMMENT

September 20, 2022 15:45  
Elsmere, DE assigned this issue to Denise Lardani

September 20, 2022 15:45  
Re-assigned to observing code officer.

September 20, 2022 15:45  
Yes  
Nicole Facciolo assigned this issue to Nicole Facciolo

## COMMENTER

Elsmere, DE

Nicole Facciolo

Nicole Facciolo



## EXHIBIT

tabbles

23-08 AO

September 20, 2022 15:45	Yes	Due date changed from September 23, 2022 to September 30, 2022	
September 20, 2022 15:47		Upon observing the violations at this location, I stopped and obtained photos (shown above and below). I then issued 6 citations and posted them to the front door of the property. A second copy of each was made and sent via USPS to the registered owner AND the property maintenance company as well as emailing copies to the property maintenance company.	Nicole Facciolo
September 20, 2022 15:47		Screen	Nicole Facciolo
September 20, 2022 15:47		Fence	Nicole Facciolo
September 20, 2022 15:47		Fascia board	Nicole Facciolo
September 20, 2022 15:47		Bucket	Nicole Facciolo
September 20, 2022 15:48		Porch	Nicole Facciolo
September 20, 2022 15:48		High grass	Nicole Facciolo
September 30, 2022 08:00	Yes	Due date changed from September 30, 2022 to October 14, 2022	Nicole Facciolo
October 11, 2022 14:01	Yes	Due date changed from October 14, 2022 to October 28, 2022	Nicole Facciolo
October 26, 2022 08:05	Yes	Due date changed from October 28, 2022 to November 04, 2022	Nicole Facciolo
November 01, 2022 10:01	Yes	Due date changed from November 04, 2022 to November 30, 2022	Nicole Facciolo
November 29, 2022 11:47	Yes	Due date changed from November 30, 2022 to December 31, 2022	Nicole Facciolo
December 28, 2022 09:25	Yes	Due date changed from December 31, 2022 to January 06, 2023	Nicole Facciolo
January 03, 2023 11:20	Yes	Due date changed from January 06, 2023 to January 31, 2023	Nicole Facciolo



January 24, 2023 15:46		As of today's date, we have not received any correspondence or information regarding any plans on repairs/improvements at this property. I responded out to the property this morning and observed the following violations:  1) Piles of deteriorating building materials inside the porch (SECOND NOTICE) 2) Fascia board is missing from half of the roof structure & the roof itself appears to be in poor condition (SECOND NOTICE) 3) Fence is missing numerous pickets and is in poor condition (SECOND NOTICE) 4) Insect screens are missing from all visible windows on the residence  See below for photos.	
January 24, 2023 15:46		Porch photo	Nicole Facciolo
January 24, 2023 15:47		Fascia Board missing on the side of the residence	Nicole Facciolo
January 24, 2023 15:48		Rear fascia board missing in the rear	Nicole Facciolo
January 24, 2023 15:48		Fence photo	Nicole Facciolo
January 24, 2023 15:48		No screens on the windows that are visible	Nicole Facciolo
January 24, 2023 15:50		Upon observing the violations at this location, I stopped and obtained photos (shown above). I then issued a total of 4 citations and posted it to the front door of the property. A second copy of each was made and sent via USPS to the registered owner.	Nicole Facciolo
January 30, 2023 12:01	Yes	Due date changed from January 31, 2023 to February 28, 2023	Nicole Facciolo
February 28, 2023 08:14	Yes	Due date changed from February 28, 2023 to March 31, 2023	Nicole Facciolo
February 28, 2023 15:36		As of today's date, we STILL have not received any correspondence or information regarding any plans on repairs/improvements at this property. I responded back out to the property this morning and observed the following violations:  1) Piles of deteriorating building materials inside the porch (THIRD NOTICE) 2) Fascia board is missing from half of the roof structure & the roof itself appears to be in poor condition (THIRD NOTICE) 3) Fence is missing numerous pickets and is in poor condition (THIRD NOTICE) 4) Insect screens are missing from all visible windows on the residence (THIRD NOTICE)	Nicole Facciolo
February 28, 2023 15:36		I then issued a total of 4 citations and posted it to the front door of the property. A second copy of each was made and sent via USPS to the registered owner.	Nicole Facciolo
March 01, 2023 12:27		At this time, this property has been deemed a Repeat Public Nuisance for having 3 or more violations within 12 months occurring on the following dates: 9/20/2022 (x6), 1/24/2023 (x4), and 2/28/2023 (x4).	Scott Allen

March 27,  
2023 12:32

As of today's date, we STILL have not received any correspondence or information regarding any plans on repairs/improvements at this property. I responded back out to the property this morning and observed the following violations and took new photos:

- 1) Piles of deteriorating building materials inside the porch (FOURTH NOTICE)
- 2) Fascia board is missing from half of the roof structure & the roof itself appears to be in poor condition (FOURTH NOTICE)
- 3) Fence is missing numerous pickets and is in poor condition (FOURTH NOTICE)
- 4) Insect screens are missing from all visible windows on the residence (FOURTH NOTICE)

See below comments for new photos.

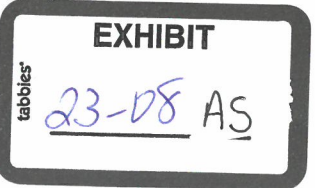
March 27, 2023 12:32		Nicole Facciolo
March 27, 2023 12:32		Nicole Facciolo
March 27, 2023 12:32	Fascia missing	Nicole Facciolo
March 27, 2023 12:33	Fence photo	Nicole Facciolo
March 27, 2023 12:33	More fascia missing	Nicole Facciolo
March 27, 2023 15:12	Posted citations photo	Nicole Facciolo
March 27, 2023 15:13	Yes Due date changed from March 31, 2023 to April 28, 2023	Nicole Facciolo
April 04, 2023 14:45	A follow up was performed at this property on today's date of 4/4/23 and it was found that the property owner has failed to abate all the violations noted above in citations V2300521(junk/debris), V2300522(fascia), V2300523(fence) AND V2300524(screens). At this time, invoices I2301779, 1780, 1781 & 1782 for the fines on the original citations have been issued and posted to the front door of the property. A second copy of each was made and sent via USPS to the registered owner.	Nicole Facciolo
April 20, 2023 13:49	As of today's date, we STILL have not received any correspondence or information regarding any plans on repairs/improvements at this property. I then issued 4 total citations and posted it to the front door of the property. A second copy was made and sent via USPS to the registered owner. See below for the 4 citations	Nicole Facciolo
	<ol style="list-style-type: none"> <li>1) Piles of deteriorating building materials inside the porch (FIFTH NOTICE)</li> <li>2) Fascia board is missing from half of the roof structure &amp; the roof itself appears to be in poor condition (FIFTH NOTICE)</li> <li>3) Fence is missing numerous pickets and is in poor condition (FIFTH NOTICE)</li> <li>4) Insect screens are missing from all visible windows on the residence (FIFTH NOTICE)</li> </ol>	
April 20, 2023 15:04	Posted citations photo	Nicole Facciolo



April 21, 2023 15:09		When I responded to the property yesterday (4/20), I observed yet another 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 below). 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.	
April 21, 2023 15:09		Posted citation photo	Nicole Facciolo
April 24, 2023 13:33		A follow up was performed at this property on today's date of 4/24/23 and it was found that the property owner has failed to abate all the violations noted above in citations V2300573(junk/debris), V2300574(fascia), V2300575(fence), V2300576(screens) AND V2300588(high grass). At this time, invoices I2301863, 1864, 1865, 11866 AND 1872 for the fines on the original citations have been issued and will be posted to the front door of the property this afternoon. A second copy of each was made and sent via USPS to the registered owner.	Nicole Facciolo
April 26, 2023 10:48		A second follow up was performed at this property on today's date of 4/26 and it was found that the property owner has still failed to abate the violation noted on the citation issued for high grass and weeds. Therefore, I have requested that the Town of Elsmere Public Works Department respond to this location to abate the violation at the registered owner's expense.	Nicole Facciolo
April 28, 2023 08:04	Yes	Due date changed from April 28, 2023 to May 31, 2023	Nicole Facciolo
May 11, 2023 12:07		As of today's date, we STILL have not received any correspondence or information regarding any plans on repairs/improvements at this property. I then issued 4 total citations and posted it to the front door of the property. A second copy was made and sent via USPS to the registered owner. See below for the 4 citations  1) Piles of deteriorating building materials inside the porch (SIXTH NOTICE) 2) Fascia board is missing from half of the roof structure & the roof itself appears to be in poor condition (SIXTH NOTICE) 3) Fence is missing numerous pickets and is in poor condition (SIXTH NOTICE) 4) Insect screens are missing from all visible windows on the residence (SIXTH NOTICE)	Nicole Facciolo
May 18, 2023 11:26		The owner of the property came into Town Hall on Friday afternoon 5/12 and stated that he was taking care of his dying mother when all of the above violations, fines and abatements were issued. He put in an appeal application for the violations that were issued within 20 days (per the code) and that meeting will be scheduled for 6/27. He was instructed to talk to Jackie in the Tax Department about creating a payment plan for all the other violations/fines/abatements in the meantime.	Nicole Facciolo
May 18, 2023 11:26	Yes	Due date changed from May 31, 2023 to June 27, 2023	Nicole Facciolo
May 18, 2023 11:27		The date has been changed to reflect the next Board of Adjustment Meeting. I will update this case with the results of the appeal hearing.	Nicole Facciolo

**Parcel # 1900100013**

Property Address: 106 WASHINGTON AVE 1/2  
WILMINGTON, DE 19805-  
Subdivision: OAK GROVE  
Owner: ULREY ROBERT H  
590 THOMPSON STATION RD  
Owner Address:  
NEWARK, DE 19711  
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA



Lot #: 106B	Property Class: RESIDENTIAL
Location:	Lot Size: 0.29
Map Grid: 09603560	Lot Depth: 214
Block:	Lot Frontage: 11.10
Census Tract: 123.00	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: 009433	

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

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- TRAFFIC ZONE T089 (YR2022)
- 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
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA
- OAK GROVE - Civic Organization - no contact information available

**Zoning**

- 19R1 - ONE FAMILY DWELLING

**Deed History**

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
ULREY ROBERT H	551 11	N	4/1/1984	\$80,000.00
ULREY ROBERT H	1734 119	Y	6/1/1987	\$94,000.00
		N	5/6/1994	\$1.00

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

Land: 11000  
Structure: 38100  
Homesite: 0  
Total: 49100  
County Taxable: 49100  
School Taxable: 49100

**Tax Bills as of 5/15/2023 3:01:19 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2007A	\$0.00	\$0.00	\$136.64	\$0.00	\$0.00	\$796.89
2008A	\$0.00	\$0.00	\$136.70	\$0.00	\$0.00	\$866.12
2009A	\$0.00	\$0.00	\$215.54	\$0.00	\$0.00	\$1,337.42
2010A	\$0.00	\$0.00	\$193.50	\$0.00	\$0.00	\$1,834.53
2011A	\$0.00	\$0.00	\$168.31	\$0.00	\$0.00	\$1,745.10
2012A	\$0.00	\$0.00	\$300.59	\$0.00	\$0.00	\$1,655.30
2013A	\$0.00	\$0.00	\$278.69	\$0.00	\$0.00	\$1,682.20
2014A	\$0.00	\$0.00	\$259.69	\$0.00	\$0.00	\$1,629.61
2015A	\$0.00	\$0.00	\$238.41	\$0.00	\$0.00	\$1,729.89
2016A	\$0.00	\$0.00	\$217.81	\$0.00	\$0.00	\$1,776.99
2017A	\$0.00	\$0.00	\$198.71	\$0.00	\$0.00	\$1,794.73
2018A	\$0.00	\$0.00	\$191.07	\$0.00	\$0.00	\$1,824.43
2019A	\$0.00	\$0.00	\$233.70	\$0.00	\$0.00	\$1,691.82
2020A	\$0.00	\$0.00	\$199.14	\$1,217.19	\$420.06	\$5.89
2021A	\$152.71	\$38.24	\$0.00	\$1,211.54	\$290.64	\$0.00
2022A	\$190.07	\$24.70	\$0.00	\$1,213.75	\$145.56	\$0.00

**Tax Payments as of 5/15/2023 3:01:19 AM**

Date Paid	Amt Paid
9/25/2007	\$933.53



9/17/2008	\$410.82
10/4/2011	\$410.86
4/5/2018	\$409.35
10/5/2018	\$409.36
11/7/2018	\$409.25
12/6/2018	\$409.23
1/7/2019	\$409.19
2/7/2019	\$409.12
3/7/2019	\$417.97
4/5/2019	\$417.86
5/7/2019	\$417.75
6/6/2019	\$418.09
7/8/2019	\$418.10
8/7/2019	\$418.10
9/6/2019	\$416.13
10/7/2019	\$416.16
11/7/2019	\$416.07
12/4/2019	\$416.60
1/7/2020	\$416.60
2/6/2020	\$416.60
3/5/2020	\$416.60
4/7/2020	\$416.60
5/7/2020	\$416.60
6/5/2020	\$416.60
7/7/2020	\$416.60
8/7/2020	\$416.60
9/8/2020	\$416.60
10/7/2020	\$416.60
11/6/2020	\$416.60
12/4/2020	\$416.60
1/7/2021	\$416.60
2/4/2021	\$436.76
3/4/2021	\$436.76
4/6/2021	\$434.23
5/6/2021	\$434.23
6/4/2021	\$434.23
7/7/2021	\$36.86
10/3/2022	\$4,000.00

County Balance Due: \$405.72

School Balance Due: \$4,498.74

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 5/15/2023 3:01:39 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	5/7/2008	\$292.22
2008S1	\$0.00	\$0.00	5/8/2009	\$488.20
2009S1	\$0.00	\$0.00	5/8/2009	\$318.27
2010S1	\$0.00	\$0.00	10/9/2018	\$104.50
2011S1	\$0.00	\$0.00	10/9/2018	\$98.50
2012S1	\$0.00	\$0.00	9/9/2020	\$2,248.12
2013S1	\$0.00	\$0.00	3/4/2021	\$505.40
2014S1	\$250.33	\$57.50	7/7/2021	\$216.95
2015S1	\$50.00	\$44.50	Not Available	\$0.00
2016S1	\$50.00	\$38.50	Not Available	\$0.00
2017S1	\$50.00	\$32.50	Not Available	\$0.00
2018S1	\$50.00	\$26.50	Not Available	\$0.00
2019S1	\$56.00	\$22.96	Not Available	\$0.00
2020S1	\$56.00	\$16.24	Not Available	\$0.00
2021S1	\$56.00	\$12.88	Not Available	\$0.00
2022S1	\$81.00	\$17.01	Not Available	\$0.00
2023S1	\$81.00	\$7.29	Not Available	\$0.00

Balance Due: \$1,056.21

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

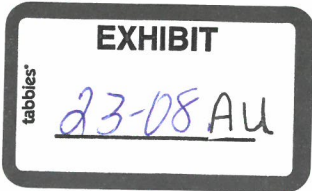
## Residence Characteristics

## Residence 0

Building Design: RANCH	Residence Class: 2 FD UNPLTTED <10 AC
Grade: AVERAGE	Condition: AVERAGE
Year Built: 1940	# Stories: 1
Total Area (sq. ft.): 2050	Main Floor Area: 2046
# Rooms: 5	# Bedrooms: 3
# 1/2 Baths: 0	# Full Baths: 2
# Fam. Rooms: 0	# Fixtures: 10
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: ALUMINIUM OR VINYL	Interior Wall Finish: DRYWALL
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %:

Basement % Finished:  
Attic % Finished:  
Unfinished %:  
Heat Type: HOTWATER  
Remodel Year: 0

Basement Finish Type: NO BASEMENT FINISH  
Unfinished Area: 0  
Air Conditioning:



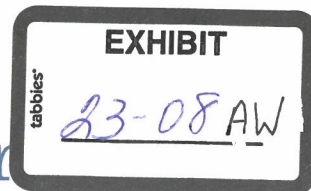


106 1/2 Washington Avenue

Author:



**The Town of Elsmere**  
11 Poplar Avenue, Elsmere, Delaware 19805  
Phone (302) 998-2215 Fax (302) 998-9920



## Witness List

Mayor

Eric Thompson

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

Marianne Skipski

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

Sally Jensen

3<sup>rd</sup> District Councilwoman

Mary Steppi

4<sup>th</sup> District Councilman

Charles McKewen

5<sup>th</sup> District Councilwoman

Joann I. Personti

6<sup>th</sup> District Councilwoman

Dawn DiBiaso

Town Treasurer

Paul Chalfant

City Solicitor

James McMackin

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

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