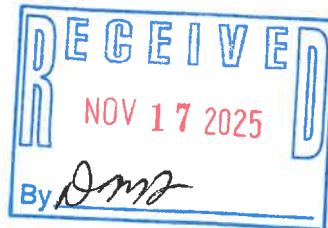


EXHIBIT

tabbles®

26-05 A



TOWN OF ELSMERE
APPEAL TO THE BOARD OF ADJUSTMENT

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

Date this Appeal was filed:	11/20/2025	Petition Number:	26-05
Date of the Original Action:	10/28/2025	Tax Parcel Number:	19-8-276
Subject Property Address: 931 Dover Ave			
Property Owner's Name:	Vince Rizzo	Phone Number:	302-379-3188
Property Owners Address: 931 Dover Ave			
Applicant's Name: Mifiesha Hardy / Lannar McCum			
Applicant's Address: 931 Dover Ave			
Specific Item BeingAppealed: (ex: Citation Number, Petition Number, Order Number, Etc.)			
V2600271			
Reason for the Appeal:			
Trash not belonging to us, the trash left out back was from 274 Birch st, once they moved out.			
Relief sought: Just want to get rid of \$500 fine.			
Applicant's Signature:		Date: 11/20/2025	



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

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

RESPONSIBLE PARTY	CITATION #	V2600271
RIZZO RENTAL PROPERTIES LLC 16 HOLLY LN WILMINGTON DE 19807	OFFICER	M.Bowers
	VIOLATION DATE	10/28/25
	PROPERTY ADDRESS	931 DOVER AVE
	PARCEL NUMBER	19-00800-276
	ABATEMENT DATE	11/02/25

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	Fine Cost
Dumping is ILLEGAL within the Town of Elsmere. All trash must be put into the proper trash containers and bigger items may require special pick up	COD127-4 Dumping of yard waste and refuse.	500.00

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 Code Enforcement Office **within 48 hours of the violation date**. If, in the opinion of the Code Enforcement Officer, 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.

ABATEMENT INFORMATION

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.

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

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

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

tables

26-05 D

10/28/25

RIZZO RENTAL PROPERTIES LLC
16 HOLLY LN
WILMINGTON, DE 19807

Re.: Tax Parcel 19-00800-276 931 DOVER AVE

Dear Property Owner,

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

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

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

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

Respectfully,

M.Bowers

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.

TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: CODE ENFORCEMENT

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

EXHIBIT

26-05 F

INVOICE NO.

I2601226

INVOICE DATE: 10/28/25

DUE DATE: 11/27/25

CUSTOMER #: C-002660

RIZZO RENTAL PROPERTIES LLC
16 HOLLY LN
WILMINGTON, DE 19807

VIOLATION INFORMATION

VIOLATION ID: V2600271

LOCATION: 931 DOVER AVE

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 931 Dover Ave CODE 127-4 / ord 675 Dumping of yard waste and refuse. Dumping is illegal within town of Elsmere	500.000000	500.00
			TOTAL INVOICE	500.00

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

Invoice Id: I2601226

Customer Id: C-002660 PIN: 176635

RIZZO RENTAL PROPERTIES LLC
16 HOLLY LN
WILMINGTON, DE 19807

Due Date: 11/27/25

Total Due: 500.00



Item is mirror!!!
FRAGILE Hand

ced
alive

Walmart.com
PHL2 RETURNS CENTER, DEPT 100
2785 COMMERCE CENTER BLVD
BETHLEHEM PA 18015
US

SHIP DATE: 24OCT25
ACTWGT: 20.0 LB
CAD: 000001734 / FUSE
DIMMED: 60 X 18 X 1 IN
BILL SENDER

577-14/008C/C7F0

TO Mitiesha Handy
931 Dover Ave
Wilmington DE 19805

24

(US)

6108004742
INV:
PO: 129029862155864

REF: 129029862155864
RMA:
DEPT:



FedEx
Home Delivery
H

TRK# 4846 5399 7961

19805

9632 0804 0 (000 000 0000) 0 00 4846 5399 7961



Time: 2025-10-24 12:31:00
PO: 129029862155864
25 06:57:00 UTC 2025 Customer Order: 200013648228838
Associate Scan ASN Below

223072119620

EXHIBIT

tabbles®

26-05 H





Ordinance 675

AN ORDINANCE TO AMEND THE TOWN'S FEES FOR ILLEGAL DUMPING

Sponsored By: Councilwoman Mary Steppi

First and Second Reading: August 8, 2024, Council Meeting

Results: Passed 7 In Favor, 0 Opposed

Third and Final Reading: September 12, 2024, Council Meeting

Results:

26-05 U

Ordinance 675

AN ORDINANCE TO AMEND THE TOWN'S FEES FOR ILLEGAL DUMPING

WHEREAS, the Town of Elsmere has observed a significant increase in illegal dumping activities within its jurisdiction, which poses environmental, health, and safety risks to the community;

WHEREAS, the Mayor and Council believe that fines and penalties must serve as a deterrent to non-compliance and not as a mere minor risk with taking;

WHEREAS, the Mayor and Council have determined that the current fines and penalties for illegal dumping are insufficient to deter such activities and to cover the cost associated with cleanup and enforcement;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

Effective immediately, Chapter 127-4. Violations and penalties, shall be amended to read as follows:

Any person who violates this chapter shall be subject to a fine of not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 nor more than \$2,000 for a second offense, plus any and all cost incurred by the Town of Elsmere should the offender fail to immediately remove any item placed in violation of this chapter.

First and Second Reading

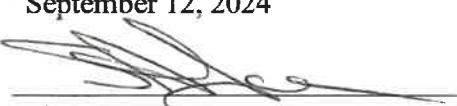
August 8, 2024



Eric Thompson, Mayor

Third and Final Reading

September 12, 2024



Sally Jensen, Secretary

Approved as to form:



Town Solicitor

SYNOPSIS**ORDINANCE 675**

This Ordinance shall aim to better deter illegal dumping throughout the Town of Elsmere and to ensure that the costs of cleanup and enforcement are adequately covered.

Fiscal Impact:

This Ordinance is anticipated to have minimal fiscal impact. There could be an initial increase in revenue, however, with the ultimate goal of eliminating illegal dumping happenings, there could be minimal fiscal impact long term.

Parcel # 1900800276

Property Address: 931 DOVER AVE
WILMINGTON, DE 19805-

Subdivision: ELSMERE MANOR

Owner: RIZZO RENTAL PROPERTIES LLC
16 HOLLY LN

tables

26-05 L

Owner Address:

WILMINGTON, DE 19807

Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 216

Property Class: RESIDENTIAL

Location:

Lot Size: 0.03

Map Grid: 09403560

Lot Depth: 97

Block: X

Lot Frontage: 16

Census Tract: 124

Street Finish: SIDEWALK

Street Type: NEIGHBORHOOD

Water: PUBLIC

Microfilm #: 000228

Tax/Assessment Info

Current Assessment

Land: 42900

Structure: 179000

Homesite: 0

Total: 221900

County Taxable: 221900

School Taxable: 221900

District & Zoning Info

Districts

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

Zoning

- 19R2 - ONE/TWO FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
WINDER DANIEL	403 309	N	10/1/1983	\$28,900.00
RIZZO VINCENT J	20090112 0001589	N	7/1/1986	\$43,000.00
RIZZO RENTAL PROPERTIES LLC	20151021 0053799	N	12/29/2008	\$87,000.00
			6/8/2015	\$10.00

Tax Bills as of 1/14/2026 3:01:58 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$106.73	\$0.00	\$0.00	\$578.21
2011A	\$0.00	\$0.00	\$108.67	\$0.00	\$0.00	\$571.55
2012A	\$0.00	\$0.00	\$108.97	\$0.00	\$0.00	\$564.89
2013A	\$0.00	\$0.00	\$108.35	\$0.00	\$0.00	\$599.45
2014A	\$0.00	\$0.00	\$108.76	\$0.00	\$0.00	\$610.01
2015A	\$0.00	\$0.00	\$108.37	\$0.00	\$0.00	\$678.07
2016A	\$0.00	\$0.00	\$108.11	\$0.00	\$0.00	\$739.34
2017A	\$0.00	\$0.00	\$108.67	\$0.00	\$0.00	\$784.36
2018A	\$0.00	\$0.00	\$116.36	\$0.00	\$0.00	\$780.14
2019A	\$0.00	\$0.00	\$107.76	\$0.00	\$0.00	\$785.85
2020A	\$0.00	\$0.00	\$100.38	\$0.00	\$0.00	\$785.85
2021A	\$0.00	\$0.00	\$98.59	\$0.00	\$0.00	\$782.20
2022A	\$0.00	\$0.00	\$122.72	\$0.00	\$0.00	\$783.63
2023A	\$0.00	\$0.00	\$122.18	\$0.00	\$0.00	\$783.63
2024A	\$0.00	\$0.00	\$130.60	\$0.00	\$0.00	\$909.16
2025A	\$0.00	\$0.00	\$170.84	\$0.00	\$0.00	\$1,586.59
2025A1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Tax Payments as of 1/14/2026 3:01:58 AM

EXHIBIT

Date Paid

Amt Paid

9/24/2010		\$684.94
9/30/2011		\$680.22
10/3/2012		\$673.86
9/20/2013		\$707.80
9/23/2014		\$718.77
10/1/2015		\$786.44
9/29/2016		\$847.45
9/11/2017		\$893.03
9/27/2018		\$896.50
9/30/2019		\$893.61
9/2/2020		\$654.23
9/22/2020		\$886.23
9/21/2021		\$880.79
8/16/2022		\$906.35
9/21/2023		\$905.81
8/9/2024		\$1,039.76
8/12/2025		\$1,757.43
11/13/2025		\$189.96

County Balance Due: \$0.00

School Balance Due: \$0.00

Overpayment: (\$189.96)

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 1/14/2026 3:01:22 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	1/24/2007	\$55.77
2008S1	\$0.00	\$0.00	2/15/2008	\$50.00
2009S1	\$0.00	\$0.00	7/9/2009	\$54.50
2010S1	\$0.00	\$0.00	3/25/2011	\$0.00
2011S1	\$0.00	\$0.00	3/25/2011	\$50.00
2012S1	\$0.00	\$0.00	2/16/2012	\$121.55
2013S1	\$0.00	\$0.00	2/20/2013	\$198.89
2014S1	\$0.00	\$0.00	2/18/2015	\$306.30
2015S1	\$0.00	\$0.00	4/6/2015	\$304.24
2016S1	\$0.00	\$0.00	3/29/2016	\$146.04
2017S1	\$0.00	\$0.00	6/27/2017	\$75.08
2018S1	\$0.00	\$0.00	2/12/2018	\$50.00
2019S1	\$0.00	\$0.00	2/28/2019	\$372.89
2020S1	\$0.00	\$0.00	12/11/2020	\$654.23
2021S1	\$0.00	\$0.00	3/2/2021	\$347.18
2022S1	\$0.00	\$0.00	11/12/2025	\$497.24
2023S1	\$0.00	\$0.00	11/12/2025	\$457.16
2024S1	\$130.24	\$2.60	11/12/2025	\$367.14
2025S1	\$256.45	\$40.98	Not Available	\$0.00

Balance Due: \$430.27

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

Petition 26-05 - 931 Dover Avenue

EXHIBIT

26-05 N

1/14/2026, 12:57:25 PM

Residential	Address	Common	<input type="checkbox"/>	Parcels	F
				Red:	Band_1

Blue: Band 3
Explore New Castle County Map App

