

PROPERTY MAINTENANCE CODE BOARD OF APPEALS

AGENDA



JANUARY 28, 2015 - 2:30 P.M.

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

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

AGENDA ADDITIONS/DELETIONS

- 1. APPEAL OF PROPERTY MAINTENANCE CODE CITATION (CHAPTER 3 - GENERAL REQUIREMENTS, SECTION 302 - EXTERIOR PROPERTY AREAS, 302.1 - SANITATION OF THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE) - 303 WEST DIVISION STREET (*WAYNE C. TRADER*)**
- 2. ADJOURNMENT BY 3:30 P.M.**

/js

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

City of  Dover

January 8, 2015

Mr. Wayne Trader
P.O. Box 303
Smyrna, DE 19977

RE: Appeal of Property Maintenance Code Citation #14-0004513 - 303 West Division Street

Dear Mr. Trader:

I have received your request to appeal Citation #14-0004513 related to a violation of Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-221-Adopted, The International Property Maintenance (IPM) Code, 2009 - Section 302.1 - Sanitation at 303 West Division Street, Dover, Delaware.

SECTION 302 - EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in clean and sanitary condition.

A meeting of the Property Maintenance Code Board of Appeals has been scheduled for Wednesday, January 28, 2014 at 2:30 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal. **Please contact me upon receipt of this letter at (302) 736-7008 or by email at cityclerk@dover.de.us to confirm your attendance.**

Please let me know if you have any questions or concerns regarding your appeal.

Sincerely,



Traci A. McDowell, CMC
City Clerk

TAM/js

cc: Ann Marie Townshend
Scott Koenig, City Manager
Nicholas Rodriguez, City Solicitor

Sec. 22-221. - Adopted.

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

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

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

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

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

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

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

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

January 5, 2015

Division of Code Enforcement
15 Lockerman Plaza
Dover, DE 19901

RECEIVED

JAN 05 2015

OFFICE OF THE CITY CLERK

Citation #14-00004513
Wayne Trader
P. O. Box 303
Smyrna, DE 19977

The above citation" ... Violation: (X) Failure to properly dispose of trash
and debris..." is herein appealed.



W. Trader

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7014 0150 0002 1470 4806

Postage	\$	
Certified Fee		6.48
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	14.4513

Postmark Here
NOV 02 2003
USPS

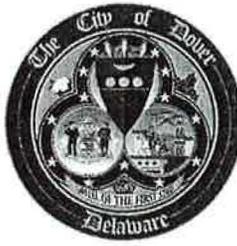
Inspections & Planning

for Instructions

WAYNE TRADER
PO BOX 303
SMYRNA DE 19977

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

SECOND NOTICE

December 30, 2014

WAYNE C TRADER
PO BOX 303
SMYRNA DE 19977

RE: Property Address: 303 W DIVISION ST
Tax Parcel Number: ED-05-076.08-05-270.000-000
Case Number: 14-00004513

Dear Mr. Trader:

On December 16, 2014, the City of Dover, Department of Inspections conducted an inspection at 303 W DIVISION ST. The inspection revealed one or more City Code Violations on the property.

Attached is the violation found.

A follow up inspection was conducted and the violation still remains. Failure to have the property brought into compliance with the City Codes by **January 07, 2015** will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as \$1,000.00 per day for each day that the violation exists. The City reserves the right to abate the violation and lien the property for the cost of clean up.

Please contact this office with a date and time to conduct your re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.

Sincerely,

A handwritten signature in cursive script that reads "Velvet L. Bowen".

VELVET BOWEN
Code Enforcement Officer

cc: File

CASE NUMBER 14-00004513
PROPERTY ADDRESS 303 W DIVISION ST

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 12/17/14
LOCATION: CURB/STREET

NARRATIVE :

Remove and properly dispose of junk, litter and debris placed along the curb on N. New St. You may contact the City of Dover Public Works at 736-7025 to make arrangements for pick up, however there will be a charge of \$100.00. All loose items have to be properly bagged or in a container.

ORDINANCE DESCRIPTION :

SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :

REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM EXTERIOR PROPERTY AREAS

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

OFFICIAL CITATION

Citation # 14-00004513

WAYNE C TRADER
PO BOX 303
SMYRNA DE 19977

Location of Offense: 303 W DIVISION ST
Type of Offense: PROPERTY MAINTENANCE-EXTERIOR
Date of Offense: December 30, 2014
Time of Offense: 15:19
Date of Issue: December 30, 2014
Previous Offense, If any - Date:

You are hereby fined for being in violation of the City of Dover Ordinance marked (X) below. Payment must be received by The City of Dover Inspections Dept., 15 Loockerman Plaza, Dover, Delaware prior to January 14, 2015.

Appeals of this citation may be submitted in writing to the City of Dover Inspections Department at the above address. This appeal must be made by the above date and time. Failure to pay this fine may result in the City of Dover seeking collections through an approved collections agency with a collection fee of 35%. The filing of an appeal does not excuse the obligation to pay the initial fine.

If the violation is not corrected, the City reserves the right to use its own resources or those of a contractor to abate the below violation(s) and to bill the owner of the property for such cost plus administrative fees.

Fines will be doubled if not paid within 14 days from the date the fine was issued.

Velvet L. Bowen

VELVET BOWEN
Code Enforcement Officer

Violation: (X) Failure to properly dispose of trash and debris.

Sec No: DCO 22-221/2009 IPMC Section 302.1

Fine as per code: \$100.00

* must be 1/7/15

* 12/31 - currently being appealed.

Community Excellence Through Quality Service



Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

December 17, 2014

WAYNE C TRADER
PO BOX 303
SMYRNA DE 19977

RE: Property address: 303 W DIVISION ST
Tax Parcel Number: ED-05-076.08-05-270.000-000
Case Number: 14-00004513

Dear Mr. Trader:

On December 16, 2014, the City of Dover, Department of Inspections conducted an inspection at 303 W DIVISION ST.

Attached is the Code violation found during the inspection.

A follow up inspection must be conducted by **December 24, 2014,** to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

Sincerely,

A handwritten signature in cursive script that reads "Velvet L. Bowen".

VELVET BOWEN
Code Enforcement Officer

cc: File

CASE NUMBER 14-00004513
PROPERTY ADDRESS 303 W DIVISION ST

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 12/17/14
LOCATION: CURB/STREET

NARRATIVE :

Remove and properly dispose of junk, litter and debris placed along the curb on N. New St. You may contact the City of Dover Public Works at 736-7025 to make arrangements for pick up, however there will be a charge of \$100.00. All loose items have to be properly bagged or in a container.

ORDINANCE DESCRIPTION :

SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :

REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM EXTERIOR PROPERTY AREAS

Bowen, Velvet

From: Heesh, Carol
Sent: Wednesday, December 17, 2014 10:50 AM
To: Bowen, Velvet; ONeal, Carolee
Subject: RE: Trash pick up price

Good Morning,

John, with our Sanitation dept., has priced this location at \$100.00 – for bulk pick-up.

Thanks!

Thank you,
Carol Jones Heesh
Administrative Assistant
City of Dover
Public Works
(302) 736-7025
Email: cheesh@dover.de.us

From: Bowen, Velvet
Sent: Tuesday, December 16, 2014 3:38 PM
To: ONeal, Carolee; Heesh, Carol
Subject: Trash pick up price

Hi Ladies,

Can you please give me a price for the attached to be picked up. It is right before 16 N New St. It sits in front of a vacant lot.

Thanks so much!

Velvet L. Bowen
City of Dover, Delaware
Code Enforcement Officer
Inspector I
302-736-7011



W006628-121214 - Property Code Violation

Property Code Violation Details

Property Code Violation Details

Location:	Corner of S New St and Route 8 - piles of trash on each corners of Route 8, mattress and furniture sitting out that needs to be picked up Complaint was made by someone riding by the location	Please give us an address or brief description of location
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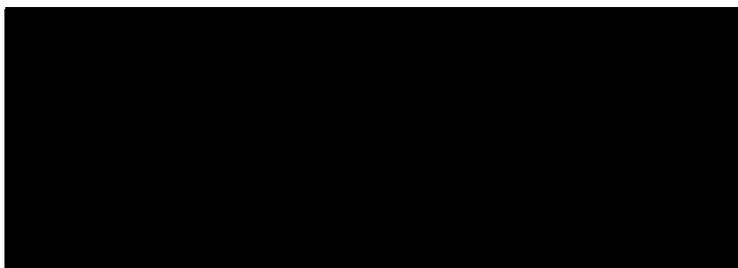
Message History

Date

On 12/12/2014 9:41:20 AM, Kristen Mullaney wrote:
Request was created by staff

Request Details

Reference No:	W006628-121214
Created By:	Kristen Mullaney
Create Date:	12/12/2014 9:41 AM
Update Date:	12/12/2014 9:41 AM
Completed/Closed:	No
Required Completion Date:	12/15/2014



Status:	New Request
Priority:	High
Assigned Dept:	Planning and Inspections
Assigned Staff:	Tim Taraila

Customer Name:	Anonymous User Anonymous User
Email Address:	None
Phone:	
Group:	(Not Specified)

Junk on N. New st.

Source: Phone

** sent to Public Works for a price to pick up.*

