

# PROPERTY MAINTENANCE CODE BOARD OF APPEALS

## AGENDA



**OCTOBER 19, 2015 - 2:00 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](mailto:CITYCLERK@DOVER.DE.US)) SHOULD YOU WISH TO BE RECOGNIZED.

### **AGENDA ADDITIONS/DELETIONS**

- 1. PROPERTY MAINTENANCE CODE VIOLATION (CHAPTER 114 - VEGETATION, ARTICLE II - WEEDS, SECTION 114-32 - MAXIMUM HEIGHT) APPEAL OF CITATION AND FINES - 59 VILLAGE DRIVE (KIM SAMMAK)**
- 2. ADJOURNMENT**

**/JS**

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\MISC-AGENDAS\PROPERTY MAINTENANCE CODE BOARD OF APPEALS\2015\10-19-2015 PMCBA.WPD

# City of Dover

October 7, 2015

Mark J. And Kimberly L. Sammak  
579 Allabands Mill Road  
Camden-Wyoming, DE 19934

Re: Appeal of Citation #15-00003079 and Related Fines - 59 Village Drive, Dover, Delaware

Ms. Sammak:

I have received your request to appeal the citation and fines related to the violation of Chapter 114 - Vegetation, Article II - Weeds, Section 114-32 - Maximum height, by unlawfully permitting grass/weeds in excess of eight (8) inches at 59 Village Drive, Dover Delaware. Sec. 114-32 of the Dover Code states the following:

Sec. 114-32. Maximum height.

It shall be unlawful and a nuisance for the owner, occupant or tenant of any premises, or any agent caring for or in charge of the premises, to permit any weeds, underbrush, deleterious or unhealthful growths, or other noxious matter to grow to a height of eight inches or more.

A charge of \$100 has been billed to you for the expense incurred by the City for cutting the grass at this property on September 21, 2015.

A meeting of the Property Maintenance Code Board of Appeals has been scheduled for Monday, October 19, 2015 at 2:00 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal. You noted in your appeal and in a phone conversation with our staff that you would be unable to attend this meeting. If you have any additional documentation that you would like the Board to review when considering your appeal, please provide this information to the City Clerk's Office prior to the appeal hearing.

Please feel free to contact me by e-mail at [cityclerk@dover.de.us](mailto:cityclerk@dover.de.us) or by phone at (302) 736-7008 if you have any questions or concerns.

Sincerely,



Traci A. McDowell, CMC  
City Clerk

TAM/js

S:\APPEALS\2015\59 Village Drive - Sammak - Appeal of Tall Grass Citation and Fines\Sammak - Hearing Notification Letter.wpd

cc: Ann Marie Townshend, Director of Planning & Community Development  
Scott Koenig, City Manager  
Nicholas Rodriguez, City Solicitor  
Tim Taraila, Code Enforcement Supervisor  
Velvet Bowen, Inspector

RECEIVED

SEP 28 2015

OFFICE OF THE CITY CLERK

Date: September 23, 2015

To: City of Dover Inspections Department

From: Kim Sammak

Re: Citation # 15-00003079

I am writing this letter to appeal the above mentioned citation and fines for the property I own on 59 Village Drive, Dover, DE 19901. There was a serious time lapse with the sending and receiving of the certified mail which prevented me from taking prompt corrective action to rectify the situation. In addition, I was not aware that the grass on the property was tall. Had I known, I certainly would have tended to it. In the past, neighbors have pitched in to keep the grass area cut as it is so small.

Your letter is dated September 12 but the first and only attempt to deliver the certified mail to my home was September 17<sup>th</sup> as evidenced by the post office stamp and initials on the envelope. The citation states "This code also provides a time period for corrective action. If the person fined does not bring the property in compliance within three (3) days, from the date of **personal service** of the citation, or within seven (7) days from the date of mailing of the citation, the city may remove the weeds, and charge the responsible person for such work..." My husband and I both work hours which exceeds the post office hours of operation. With this being said, we were not afforded the opportunity to comply within 3 days because the letter did not end up "on receipt" in our hands until the 22nd. This would have given us until the 25<sup>th</sup> to correct the violation.

Prior to receiving this certified letter, I received correspondence through regular mail from City of Dover Code Enforcement Officer, Ron Coburn. His letter addressed a Vacant Building Registration of which I responded back the next day after I opened it. Had I been forewarned about the grass height in his letter or when I spoke to him on the phone, surely I would have taken care of the issue the next day. In addition, the home is in a short sale status and our real estate agent has never mentioned that the grass was in need of being cut.

Today, Wednesday the 23<sup>rd</sup> I left a voicemail in the general mailbox for Code Enforcement Officer, Ms. Velvet Bowen, after I got home. I then proceeded to gather my equipment to cut the grass and clean up. I believe this demonstrates my readiness to remedy the situation. However, when I arrived at 59 Village Dr., I found the grass had already been cut.

I realize that ordinances are in place for good reasons. However, if you intend to enforce this ordinance fairly—which is what good law is based on—you should at least give a warning before a citation with a fine. My research takes me to an article by the Dover Post dated August 12, 2009 which states that 95% of property owners warned by city inspectors clean up their properties before they are fined. In 2015, is the city's intent of the ordinance to keep the city clean or generate income? Sending a letter by certified mail literally makes it impossible for anybody to comply within 3 days and therefore, a letter should be sent regular mail as well.

I did speak to Mrs. Bowen on the 24<sup>th</sup> and she told me that it is a courtesy to receive a warning call which was dependant on the height of the grass. It should not matter if the grass is 8 or 80 inches tall. All should be treated equally; you don't know the battles that people are fighting in their lives. We should either all get warning calls or all be fined. It takes less time and money to make a phone call than the effort and expense it takes to generate and mail a certified letter.

I am requesting for the citation and fines to be excused on the points made above. Neither one of us can take a day off to come to an appeal hearing. I'm sure you will be fair and impartial and I look forward to your response via regular mail.


Kind regards,

A handwritten signature in cursive script that reads "Kim Sammak".

Kim Sammak



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## DOVER POST

**Delaware State House Authority has employment opportunities for**  
**ACCOUNTANT - Salary \$31,440 - Full-Time • HOUSING PROGRAM SPECIALIST - Salary \$44,094 - Full-Time**

Both are NON-STATE POSITIONS &amp; Have a Closing Date For Applications Submitted. Please go to DSHA website to check out all of our job opportunities Available.

Applicants must submit a current DSHA application by closing date. Apps must be completed on: [www.dshahousing.com](http://www.dshahousing.com) (click on About Us, Employment, View All Current Openings, Select Job, Scroll Down & Click "Apply Now") Dept Contact: e-mail: [hr@dshahousing.com](mailto:hr@dshahousing.com). DSHA is an Equal Opportunity Employer

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## Unkempt lawns can be costly for homeowners

Grass, weeds and debris on lawns can mean hefty fines for those who don't keep their yards tidy. Kent County and the City of Dover could fine residents for having unkempt yards that could become a blight on the neighborhood.

Recommend 

Jeff Brown photo

City of Dover inspector Ron Coburn uses a yardstick to measure the height of grass in the front yard of a city home. Approximately 95% of property owners warned by city inspectors clean up their yards before they are fined. City residents may report violators through the city's website, [www.cityofdover.com](http://www.cityofdover.com).

**By Jeff Brown, News Editor**

Posted Aug. 12, 2009 at 12:01 AM

Updated Aug 12, 2009 at 12:04 PM

Dover, Del.

Tall grass and unkempt yards can mean some tall headaches for people living in local towns and unincorporated areas, as a Kent County citizen recently discovered.

Prompted by a complaint he had been billed \$725 to have a work crew cut grass and remove debris on his property, the Dover Post checked with the county's Department of Planning and Inspections to see if the charges were valid.

Division director Leslie Persans said county code permits her department to clean up properties and then bill the owner, which means putting a lien against the property until the account is settled.

However, Persans added, division policy does not allow her to discuss the case with the media until it is finalized.

"The case is still ongoing and until things are resolved, and the lien is paid or he determines he wants to go through the court process, that's confidential," Persans said.

Situations where officials may penalize residents are much the same in the city of Dover, which like Kent County takes action against property owners when inspectors determine tall grass and trash are becoming a nuisance and a health issue.

"It's a blight on the neighborhood," said Timothy Taraila, the city's chief code enforcement officer. "It is really a public health issue. Overgrowth can attract rodents and mosquitoes and you want to prevent that.

"It's something you want to keep from happening, because once you start getting overgrown grass, it leads to a deterioration of the property."

#### **Kent: no notice fines on second offense**

The county planning and inspections department receives approximately 200 tall grass complaints per year, all of which are reported by local residents, Persans said. The department does not have the manpower to canvass the county just to look for such violations, she said.

When a complaint is received, inspectors go and look at the property; if weed or plant growth exceeds 12 inches, then Chapter 175-1 of the Kent County code requires Persans to issue a violation and correction order. The property is photographed, an orange violation sign is posted and a compliance order prepared, she said.

The order is either served in person or via certified mail.

"On receipt of that, you have five days to get the grass cut," Persans said. In about 80% of cases by the time inspectors go back out, the property owner has taken care of the problem, she said.

Eventually, if nothing is done, inspectors call in a contractor to clean up the property. Kent County code puts the charge at \$75 per hour, plus a \$25 administrative fee and additional costs if debris is taken to a landfill.

The stiff fee, which has been in force for years, is purposely high as a means to discourage repeat offenders, Persans said.

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#### **>> FROM DOVER POST**

Drug bust nets 13 in Kent, Sussex

UPDATE: Woman jumped from truck before being hit on U.S. Route 13 south of Smyrna

Brothers charged with attempted murder

HS Fall Sports Preview: Polytech Panthers Volleyball

Delaware State Troopers seize unregulated medical marijuana chocolate bars

Worker's compensation info sessions to be held in October

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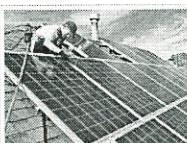
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DOVER, DE CODE OF ORDINANCES

CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE VII. - PROPERTY MAINTENANCE CODE

FOOTNOTE(S):

--- (4) ---

**Charter reference**— Power of city to regulate buildings, subpart A, §§ 20, 22.

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)

Sec. 22-222. - Definitions.

- (a) Whenever the word "municipality" or "city" is used in the publication adopted by this article, it shall be construed to mean the City of Dover, Delaware.
- (b) Whenever the term "corporation counsel" or "city attorney" is used in the publication adopted by this article, it shall mean the city solicitor.
- (c) Whenever, in the publication adopted by reference in this article, a term is used which is also defined in the city's zoning ordinance as set forth in appendix B to this Code, such term shall have the meaning provided in such appendix B.

(Code 1981, § 10-2; Ord. of 7-10-1989)



Sec. 22-223. - Conflicting provisions.

In the event of any conflict between the provisions of the code adopted by this article and applicable provisions of state law, this Code or any other ordinance, rule or regulation, the provisions of state law, this Code or such other ordinance, rule or regulation shall prevail and be controlling.

(Code 1981, § 10-3; Ord. of 7-10-1989)

Sec. 22-224. - Enforcement.

The city planner shall enforce the provisions of the publication adopted by reference in this article.

(Code 1981, § 10-4; Ord. of 7-10-1989; Ord. of 4-14-2008)

Sec. 22-225. - Property maintenance code board of appeals.

There shall be a board to be referred to as the "property maintenance code board of appeals," consisting of three members, one of whom shall be the city manager, one a resident generally selected as a representative of homeowners, and one representative of the local real estate industry association. The members shall be appointed by the mayor, subject to confirmation of a voting majority of the city council at its annual meeting. Decisions of the board shall be final.

(Code 1981, § 10-5; Ord. of 7-10-1989; Ord. of 4-10-2000)

Secs. 22-226—22-250. - Reserved.



## ARTICLE II. - WEEDS

## Sec. 114-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Weeds* means grass, weeds, bushes and any other vegetation, other than trees, ornamental shrubbery, flowers and garden vegetables that are properly tended.

(Code 1968, § 30-1; Code 1981, § 21-16)

## Sec. 114-32. - Maximum height.

It shall be unlawful and a nuisance for the owner, occupant or tenant of any premises, or any agent caring for or in charge of the premises, to permit any weeds, underbrush, deleterious or unhealthful growths, or other noxious matter to grow to a height of eight inches or more.

(Code 1968, § 30-4; Ord. of 9-13-1976; Code 1981, § 21-17; Ord. of 8-28-2000)

**Charter reference—** Power of council to define nuisances, subpart A, § 18.

## Sec. 114-33. - Failure to maintain proper height; abatement by city; costs and lien.

- (a) *Summons; action by city.* In the event that any owner, occupant or tenant of any premises within the city, or any agent caring for or in charge of the premises, shall permit any grass, weeds, underbrush, deleterious or unhealthful growths or other noxious matter to grow to a height of eight inches or more as prohibited by this article, then the code enforcement officer or fire marshal or his authorized agents shall issue a summons showing a violation of section 114-32, said summons to be served personally or by mail evidenced by certificate of mailing upon the owner, occupant, or tenant of the premises, or any agent caring for or in charge of the premises. The summons shall cite the violation of this article and shall be accompanied by a letter or a copy of the relevant provisions of this article stating what corrective action must be taken and shall state the consequences for failure to take such corrective action. If the violation is not corrected within three days from the date of personal service of the summons or within seven days from the date of mailing of the summons evidenced by certificate of mailing, then the city, at the direction of the code enforcement officer or the fire marshal, may remove the weeds, grass, underbrush, deleterious or other unhealthful growths or other noxious matter growing to a height in excess of eight inches or more in violation of section 114-32 and charge the responsible person as provided for in Appendix F—Fees and Fines for such work that must be done to render the property in compliance with this article. When the owner, occupant, or tenant of any premises, or any agent caring for or in charge of the premises, has received summonses, or been issued a summons evidenced by certificate of mailing, and fails to take corrective action, and the city has corrected the violation in accordance with this subsection, then no further notification shall be necessary for the city to take any further corrective action on any subsequent violations within the following 12-month period starting from the date of the first corrective action by the city.
- (b) *Failure to pay charges.* In the event that the owner of record is deemed to be in violation of section 114-32, and in the event that the violation is corrected in compliance with subsection (a) of this section, and if the charges assessed by the city for correcting said deficiency are not paid, then the

city, after having corrected the deficiency and violation, shall place its charges and expenses as specified in the municipal lien docket as a lien against said property, and add the charges and expenses as specified to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process. In addition to the methods directed herein, the city solicitor shall be directed to enforce said lien or to collect the charges imposed by the city by any other means that he may deem desirable and most advantageous to the city. The violator shall be responsible for all collection costs and expenses, including attorneys' fees.

(Ord. of 9-13-1976; Code 1981, § 21-18; Ord. of 7-27-1992; Ord. of 8-28-2000; Ord. No. 2009-09, 6-22-2009; Ord. No. 2012-22, 11-13-2012)

Sec. 114-34. - Fines.

- (a) *Generally.* Any person convicted of a violation of section 114-32, regardless of corrective actions taken, shall be punished for that violation by a fine as provided for in Appendix F—Fees and Fines. Any such fine shall be in addition to any charges or assessments imposed upon the violator pursuant to section 114-33(a). All fines imposed shall be in accordance with the minimum fine schedule set out in subsection (c) herein.
- (b) *Each day.* Every day that a violation of section 114-32 continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice.
- (c) *Minimums.*
  - (1) Any fine assessed pursuant to subsection (a) of this section shall be no less than the minimum amount as provided for in Appendix F—Fees and Fines.
  - (2) In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of causing or permitting the same nuisance at the same location within the past 18 months, or for every day that the violation of section 114-32 continues as per subsection (b) of this section.
- (d) *Lien.* Any fines imposed pursuant to subsection (a) of this section which remain unpaid shall:
  - (1) Be added to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and
  - (2) Be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred, and the procedures for enforcement or collection of said lien shall be as set out in section 114-33(b).
- (e) *When not paid.* Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(Code 1981, § 21-19; Ord. of 3-23-1992; Ord. of 7-27-1992; Ord. of 9-22-2003; Ord. No. 2009-09, 6-22-2009; Ord. No. 2012-22, 11-13-2012)

Sec. 114-35. - Exceptions.

The following shall be considered exceptions to the eight-inch height maximum:

- (a) *Riparian areas.* Areas within 75 feet of the bank of a perennial stream or lake or within 25 feet from the outer edge of a stormwater management pond shall be permitted to include stream bank vegetation, including grasses, shrubs and/or trees.
- (b) *Agricultural areas.* Areas that are actively used for the cultivation of fields, including seasonal

cover crops, shall be exempt from this requirement.

- (c) *Approved natural and/or meadow areas.* Areas that have been planted as meadow areas or areas that are being allowed to revert to natural vegetation, with approval of the city planner and the city manager, shall be permitted in accordance with the approvals granted by these offices.

(Ord. No. 2009-10, 5-11-2009)

Secs. 114-36—114-55. - Reserved.



	Subsec. (b)	Nonpayment .....	There will be a service charge of \$50.00 paid, together with all current and overdue charges, prior to turning on any service discontinued for nonpayment
<u>Chapter 110—Utilities, Article III—Water Service, Division 7—Water Impact Fees</u>			
<u>Sec. 110-208</u>		Water impact fee established; payment, credits	
	Subsec. (c)	Fee and applicability	
		(1) Applicable building permit before February 1, 2008. A buyer independent of the seller may submit a sales contract executed prior to February 1, 2008 to the city manager for consideration in lieu of a building permit issued before February 1, 2008 .....	No fee
		Building permit and certificate of occupancy is issued on or after February 1, 2008 .....	\$700.00
		(2) Certificate of occupancy issued after February 1, 2009 .....	\$1,400.00
		(3) Certificate of occupancy is issued after February 1, 2010 .....	\$2,100.00

(Ord. No. 2010-07, 3-22-2010)

Description		Fees and Fines (in dollars)
<u>Chapter 110—Utilities, Article IV—Sewer Service, Division 1—Generally</u>		
<i>Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.</i>		
Sec. 110-240	Subsec. (c)	Violations Payment of cost .....
		Not less than \$25.00 nor more than \$1,000.00
<u>Chapter 114—Vegetation, Article II—Weeds</u>		
<i>Every day that a violation of <u>section 114-32</u> continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.</i>		
Sec. 114-33	Subsec. (a)	Failure to maintain proper height; abatement by city; costs and lien. Summons; action by city .....
		\$50.00 per hour for such work that must be done to render the property in compliance with this article
Sec. 114-34		Fines



	Subsec. (a)	Generally .....	In addition to charges or assessments imposed, a fine of not less than \$25.00, nor more than \$100.00 in accordance with minimum fine schedule in subsec. (c) (1)
In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of causing or permitting the same nuisance at the same location within the past 18 months, or for every day that the violation of <u>section 114-32</u> continues as per subsection (b) of this section.			
	Subsec. (c)(1)	Minimums—Any fine assessed pursuant to subsection (a) of this section shall be no less than the following minimum:	
		First offense .....	\$25.00
		Second offense .....	\$50.00
		Third and subsequent offenses .....	\$100.00
<u>Chapter 118—Vehicles for hire, Article II—Taxicabs, Division 2—Operator's Permit</u>			
<u>Sec. 118-54</u>	Fee	Taxicab operator's permit .....	\$5.00
<u>Appendix A—Subdivisions, Article IV—Subdivision—Procedure</u>			
	Subsec. A.2.	Preapplication; filing fee .....	\$200.00
	Subsec. B.2.	Preliminary layout; filing fee .....	\$325.00
	Subsec. C.3.	Plat; review fee .....	\$150.00, plus \$65.00 per acre for the first ten acres, \$40.00 per acre for the next ten acres and \$25.00 per acre for each acre thereafter Plats for minor lot line adjustments shall require a review fee of \$100.00 Plats for minor subdivisions shall require a review fee of \$100.00
<u>Appendix B—Zoning, Article 3—District Regulations</u>			
Sec. 24		Planned neighborhood design option (PND)	
	Subsec. 24.2	Review process—General sketch plan review fee, each application .....	\$100.00
	Subsec. 24.8	Conditional use plan approval	
	Subsec. 24.81	Plan approval fee, each application .....	\$200.00, plus \$10.00 per acre
	Subsec. 24.9	Site development preliminary subdivision plan review	
	Subsec. 24.91	Preliminary plan approval fee; each application .....	\$325.00, plus \$20.00 per acre
	Subsec. 24.10	Final subdivision plat approval	
	Subsec. 24.101	Final subdivision plat approval; each application .....	\$250.00
Sec. 28		Traditional Neighborhood Design Zone (TND)	

PREPARED 9/29/15, 16:07:16  
PROGRAM CE200L  
CITY OF DOVER

CASE HISTORY REPORT  
CASE NUMBER 15-00003079

PAGE 1

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
Tax Map Number			
ADDRESS	INSPECTOR	TENANT NAME	TENANT NBR
TALL GRASS AND WEEDS	9/12/15	INVOLUNTARY COMPLIANCE	9/22/15
ED-05-067.15-01-360.000-000			
59 VILLAGE DR	VELVET BOWEN		
DOVER	DE 199046533		

CASE DATA: FIRST SUMMONS NUMBER 15-00003079  
LOCATION OF WEEDS LOT  
WEED HEIGHT 36"

NOTICE NAMES: SAMMAK, MARK J & KIMBERLY L OWNER

HISTORY:	SCHEDULED	ACTION	STATUS	RESULTED	INSPECTOR	TIME
	9/12/15	INSPECTION - FIRST	COMPLETED	9/12/15	VELVET BOWEN	
	9/14/15	GRASS LETTER	ISSUED	9/14/15		
Respond to:		Mr. & Mrs. Sammak	Date: 9/21/15			
Send to:		OWNER				
Mail tracking #:						
Name/address:		SAMMAK, MARK J & KIMBERLY L				
		579 ALLABANDS MILL RD				
		CAMDEN WYOMING, DE 19934				
Telephone:						
Fax:						
EMail:						
	9/14/15	GRASS CITATION	ISSUED	9/14/15		
Respond to:		Mr. & Mrs. Sammak	Date: 9/28/15			
Send to:		OWNER				
Mail tracking #:						
Name/address:		SAMMAK, MARK J & KIMBERLY L				
		579 ALLABANDS MILL RD				
		CAMDEN WYOMING, DE 19934				
Telephone:						
Fax:						
EMail:						
	9/21/15	INSPECTION - SECOND	COMPLETED	9/21/15	VELVET BOWEN	
	9/21/15	GRASS CUTTING ORDERED	COMPLETED	9/21/15		
		NARRATIVE: Text Nick Delduco, Priority Services, to cut.			9/21/15	
	9/22/15	TRANSFER TO MR	COMPLETED	9/22/15		
		NARRATIVE:			0/00/00	
	9/22/15	CLOSED CASE	COMPLETED	9/22/15		
						TOTAL TIME:

FINES:	DESCRIPTION	CHARGE	PAID	BILLED	LIEN AMT	LIEN PAID
	GRASS CUTTING FINE	50.00	.00	.00	.00	.00

Division of  
Code Enforcement  
15 Loockerman Plaza  
Dover, DE 19901

City of



Dover

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

September 12, 2015

MARK J & KIMBERLY L SAMMAK  
579 ALLABANDS MILL RD  
CAMDEN WYOMING DE 19934

RE:           Property Address:   59 VILLAGE DR  
              Tax Parcel Number: ED-05-067.15-01-360.000-000  
              Case Number:       15-00003079

DEAR Mr. & Mrs. Sammak:

This letter is to notify you that your property located at 59 VILLAGE DR is in violation of the Weed Ordinance of the City of Dover. The Ordinance reads as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER IN COUNCIL MET:

The Dover Municipal Code is amended by adding the following sections under Article II, Weeds to read as follows:

Sec. 114-32 Duty to contain weeds on property and maintain at a certain height.

It shall be unlawful and a nuisance for the owner, occupant or tenant of any premises, or any agent caring for or in charge of the premises, to permit any weeds, grass, underbrush, deleterious or unhealthful growths or other noxious matter to grow to a height of EIGHT (8) inches or more.

Sec. 114-33 Failure to maintain weeds at proper height - City Authority; costs and lien.

(a) In the event that any owner, occupant, or tenant of any premises, or any agent caring for or in charge of the premises, within the City, shall permit any grass, weeds, underbrush, deleterious or unhealthful growths or other noxious matter to grow to a height of EIGHT (8) inches or more as prohibited by Section 114-32 of this Code, then the Health Inspector or Fire Marshal or his authorized agents shall issue a citation showing a violation of Sec. 114-32, said citation to be served personally or by certified mail upon the owner, occupant or tenant of the premises, or any agent caring for or in charge of the premises. The citation shall cite the violation of this Code and shall state what corrective action must be taken and shall state the consequences for failure to take such corrective action. If the violation is not corrected within Three (3) days from the date of personal service of the citation or within SEVEN (7) days from the date of

Division of  
Code Enforcement  
15 Loockerman Plaza  
Dover, DE 19901

# City of Dover



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

mailing of the citation by certified mail, then the City at the direction of the Health Inspector or the Fire Marshal may remove the weeds, grass, underbrush, deleterious or other unhealthful growths or other noxious matter growing to a height in excess of EIGHT (8) inches or more in Violation of Section 114-32 of this Code and charge the responsible person \$50.00 per hour for such work that must be done to render the property in compliance with this Ordinance. When the owner, occupant or tenant of any premises, or any agent caring for or in charge of the premises has received a citation and failed to take corrective action, and the City has corrected the violation in accordance with this section, then no further notification shall be necessary for the City to take any further corrective action on any subsequent violations within the following twelve (12) month period starting from the date of the first corrective action by the City.

(b) In the event that the owner, occupant, tenant or other agent caring for or in charge of the premises is deemed to be in violation of Section 114-32 of this Code and in the event that the violation is corrected in compliance with Sub-section (a) and if the charges assessed by the City for correcting said deficiency are not paid, then the City, after having corrected the deficiency and violation, shall place its charges and expenses as specified in the municipal lien docket as a lien against said property and the City Solicitor shall be directed to enforce said lien or to collect the charges imposed by the City by any other means that he may deem desirable and most advantageous.

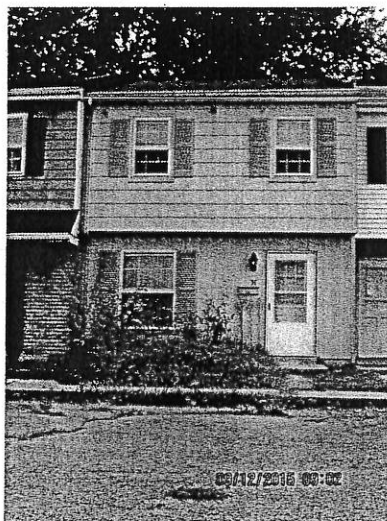
We sincerely request your cooperation in helping to keep the City clean by maintaining this type property in a well-kept manner, thus making our City a more pleasant place in which to live.

Sincerely,

*Velvet L. Bowen*

VELVET BOWEN  
Code Enforcement Officer

Enclosure



Community Excellence Through Quality Service



Division of  
Code Enforcement  
15 Loockerman Plaza  
Dover, DE 19901

# City of Dover



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## CITATION

Citation # 15-00003079

MARK J & KIMBERLY L SAMMAK  
579 ALLABANDS MILL RD  
CAMDEN WYOMING DE 19934

Location of Offense: 59 VILLAGE DR  
Type of Offense: TALL GRASS AND WEEDS  
Date of Offense: September 14, 2015  
Time of Offense: 09:25  
Date of Issue: September 14, 2015  
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 E. Loockerman St, Dover, Delaware prior to September 28, 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. The filing of an appeal does not excuse the obligation to pay the initial fine.

### Sec. 114-34. Fines

(d) Lien. Any fines imposed pursuant to subsection (a) of this section which remain unpaid shall:

- (1) Be added to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and
- (2) Be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred, and the procedures for enforcement or collection of said lien shall be as set out in section 114-33(b).

**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

*\*not compliant. Texted Nick to cut*

Violation: (X) UNLAWFULLY PERMIT GRASS/WEEDS IN EXCESS OF 8 INCHES  
Sec No: 114-32 DCO GRASS/WEEDS MUST BE CUT WITHIN 7 DAYS (SEE EXHIBIT A)  
Fine as per code: \$ 25.00

*Follow up 9/21*

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## EXHIBIT A (of the Citation)

Enclosed is a citation issued by the Department of Inspections citing a violation of "failure to maintain grass/weeds at a proper height". **Citation will double if not paid within 14 days of the issue date.** The Ordinance allows a \$50.00 per hour fee, if we have to arrange for the weeds and grass to be cut.

This Code also provides a time period for corrective action. If the person fined does not bring the property in compliance within three (3) days, from the date of personal service of the citation, or within seven (7) days from the date of mailing of the citation, the City may remove the weeds, and charge the responsible person for such work that must be done to render the property in compliance with Section 114-32, 114-33, and 114-34 of the City of Dover Municipal Code.

The penalties for this offense are as follows:

First Offense.....	\$ 25.00
Second Offense.....	\$ 50.00
Third & Subsequent.....	\$100.00

Our office maintains a list of Lawn Service Companies and Contractors, which we will provide you upon request, to help you in correcting this matter.

We sincerely solicit your cooperation in helping to keep the City clean by maintaining this type property in a well kept manner, thus making our City a more pleasant place in which to live. If we can provide any further information concerning this matter, please feel free to contact our office at (302) 736-7011.

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**153079**  
Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	6.73
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
<b>Total</b>	\$	

Postmark Here  
SEP 1 2011  
USPS  
Inspections & Planning

MARK J & KIMBERLY L SAMMAK

579 ALLABANDS MILL RD

CAMDEN WYOMING DE 19934

City

PS Form 3811, April 2011 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. VB
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

MARK J & KIMBERLY L SAMMAK  
579 ALLABANDS MILL RD  
CAMDEN WYOMING DE 19934

**2. Article Number**  
(Transfer from service label)

7015 0640 0005 6573 4719

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

*Mark Sammak*

- ☐ Agent  
☐ Addressee

**B. Received by (Printed Name)**

Mark Sammak

**C. Date of Delivery**

- D. Is delivery address different from item 1?** ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Priority Mail Express™  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

**4. Restricted Delivery? (Extra Fee)**

- ☐ Yes

PS Form 3811, July 2013

Domestic Return Receipt

7015 0640 0005 6573 4719







## Stein, Jody

---

**From:** Marney, Patricia  
**Sent:** Wednesday, October 07, 2015 8:43 AM  
**To:** Stein, Jody  
**Subject:** Kimberly Sammak - 59 Village Drive

As per our discussion Mark & Kimberly Sammak were billed \$100.00 for a grass cutting charge. We have not billed grass cutting fines for this property as of today.

MR450I02                      CITY OF DOVER                      10/07/15  
Invoice Inquiry                      08:38:20

Customer ID . . . :                      Name: SAMMAK, MARK & KIMBERLY  
Last statement . . :    0/00/00    Addr: 579 ALLABANDS MILL RD  
Last invoice . . . :    10/01/15    CAMDEN WYOMING, DE 19934  
Current balance . . :    100.00  
Pending . . . . . :    .00    Status: A ACTIVE

Type options, press Enter.

1=Select    6=Reprint Invoice

Opt	Date	Invoice #	Current	Overdue	Total billed
	10/01/15	8624	100.00	.00	100.00

**This charge is related to the following:**

CASE 15-3079 LOCATION                      59 VILLAGE DRIVE  
Grass Cut Date: 9/21/15

*Trisha*

Patricia M. Marney  
Billing Department Supervisor  
City of Dover  
5 East Reed Street  
Dover, DE 19901  
302-736-7042 phone  
302-736-7193 fax



## Invoice

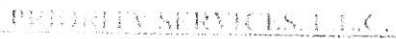
**Bill To:**

City of Dover  
Division of Code Enforcement  
Attn: Matthew Brown  
15 Loockerman Plaza  
Dover, DE 19901

**Invoice #:** 2731**Date:** 9/29/2015**PS Job #:** [REDACTED]**Customer #:** [REDACTED]**P.O. #:****Due Date:** 10/29/2015**Terms:** Net/30 days**Period Of Performance:** Sep-15**INVOICE SUMMARY**

Service	Location/Dates	Quantity	Rate	Amount
Landscaping Maintenance	Mowing designated area:  Date Cut: 59 Village Drive Start Time: 2:10 pm End Time: 3:00 pm  LID 14630 CASE 15.00003079 ED-05-067.15-01-360.000-000	1.00	\$100.00	\$100.00
Please send payments to: 70 Albe Drive, Newark, DE 19702. If you have any questions, please call (302) 444-8171. Thank you for your business!		<b>Invoice Total</b>		<b>\$100.00</b>
		Please Pay This Amount		

70 Albe Drive  
Newark, DE 19702



### DAILY WORK AUTHORIZATION

[illegible]

Approved By: \_\_\_\_\_