

PROPERTY MAINTENANCE CODE BOARD OF APPEALS A G E N D A

SEPTEMBER 25, 2012 - 1:00 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)
should you wish to be recognized.*

AGENDA ADDITIONS/DELETIONS

1. Property Maintenance Code Violation - Appeal of Fine - 906 McDowell Drive (*Danielle Pearsall*)
2. Property Maintenance Code Violation - Appeal of Violation - 103 Beth Place (*Jose Perez*)
3. Adjournment

/tm

S:\AGENDAS-MINUTES-PACKETS\Misc-Agendas\PROPERTY MAINTENANCE CODE BOARD OF APPEALS\09-25-2012 PMCBA.wpd

City of



Dover

September 12, 2012

Danielle K. Pearsall
906 McDowell Drive
Dover, DE 19901

Re: Appeal of Fine for Violation #12-00002584 - 906 McDowell Drive, Dover, DE

Ms. Pearsall:

I have received your appeal of the \$100.00 fine imposed for a violation of the City of Dover Code of Ordinances, Chapter 106 - 22 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 1 - Generally, Section 106-130 - Wrecked, nonoperating, or improperly parked or equipped vehicles, Subsection (c) - Parking in grass, for parking on an unapproved parking surface at 906 McDowell Drive, Dover, Delaware.

Sec. 106-130. - Wrecked, nonoperating, or improperly parked or equipped vehicles

- (c) Parking in grass. Vehicles shall not be permitted to be parked in front, side, or rear yards required by appendix B pertaining to zoning, except in approved driveways, garages, carports, or parking pads.

A meeting of the Property Maintenance Code Board of Appeals has been scheduled for Tuesday, September 25, 2012 at 1:00 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal.

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

Sincerely,

A handwritten signature in black ink that reads "Traci A. McDowell". The signature is written in a cursive, flowing style.

Traci A. McDowell, CMC
City Clerk

TAM/dd

S:\APPEALS\09-11-2012 Appeal of Fine - 906 McDowell Drive - Danielle Pearsall.wpd

cc: Ann Marie Townshend, Dir. of Planning & Community Development
Scott Koenig, City Manager
Kay Dietz-Sass, Public Affairs Coordinator
Nicholas Rodriguez, City Solicitor
Mayor and City Council



To whom this may concern

Citation number 12-00002584

I'm currently in the process of moving my fiancé in and I know that I've had a previous ticket for this. However that car was abandoned and by know means do I leave the car im being citated for now in the front of my home. That's my everyday work car we were moving things in the home and parked the car there so that we could get in the garage. If need be I have proof that on that day we had a moving company moving his things in my home please drop this fine. If you need further proof I'm willing to cooperate but this incident here was truly innocent thanks so much

Phil Pearson

8/31/2012

302-359-5081

**Chapter 106 - Traffic and Vehicles, Article III. - Stopping, Standing and Parking, Division 1.
- Generally, Section 106-130. - Wrecked, nonoperating, or improperly parked or equipped vehicles**

- (a) Prohibited. It shall be unlawful for any person to park any vehicle or permit any vehicle to remain parked on the streets of the city when that vehicle is wrecked, nonoperating or improperly equipped to such an extent that it would be unlawful to drive the vehicle upon the streets of the city in its condition.
- (b) Leaving vehicles on property. It shall be unlawful for any person in charge or in control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, to allow any vehicle partially dismantled, stripped, nonoperating or in such disrepair as to render it unable to operate legally on a public street, or a wrecked, junked or discarded vehicle to remain on the property longer than five days or, in the case of operating unregistered or uninspected vehicles, to remain on the property for more than 90 days. No person shall leave such vehicle on any property within the city for a time longer than five days or 90 days in the case of operating unregistered or uninspected vehicles. This subsection shall not apply with regard to a vehicle in an enclosed building or enclosed area designed and approved for such purposes, a vehicle on the premises of a business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. Unregistered or uninspected vehicles whose owners have properly parked and locked them and have notified the department of planning and inspections may be granted extensions of the 90-day limit on the keeping of unregistered or uninspected vehicles by the department of planning and inspections for reasons including but not limited to out-of-state military service, illness, extended travel or other reasons acceptable to the department of planning and inspections.
- (c) Parking in grass. Vehicles shall not be permitted to be parked in front, side, or rear yards required by appendix B pertaining to zoning, except in approved driveways, garages, carports, or parking pads.

(Code 1968, § 31-81; Code 1981, § 13-37; Ord. of 11-12-1996)

State law reference— Driving of hazardous vehicles prohibited, 21 Del. C. § 4335

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



9/3

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

August 27, 2012

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

OK

RE: Property address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 12-00002584

Dear Ms. Pearsall:

On August 27, 2012, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR.

Attached are the Code violations found during the inspection as well as a citation for repeated violations.

A follow up inspection must be conducted by September 03, 2012, 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.

Citation must be paid for within 14 days of issued date or it automatically doubles.

Sincerely,

DAVID MCGINNIS
Code Enforcement Officer

cc: File

VIOLATION DETAIL

PAGE 1

CASE NUMBER 12-00002584
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 8/27/12
LOCATION: FRONT YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass.
Please discontinue parking vehicles on the grass. Enclosed
is a citation for repeated violations.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901



Phone: (302) 736-701
Fax: (302) 736-4217

OFFICIAL CITATION

Citation # 12-00002584

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

Location of Offense: 906 MCDOWELL DR
Type of Offense: DOVER CODE OF ORDINANCES
Date of Offense: August 27, 2012
Time of Offense: 14:04
Date of Issue: August 27, 2012
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 September 10, 2012.

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.

DAVID MCGINNIS
Code Enforcement Officer

Violation: (X) Parking on an un-approved parking surface

Sec No: 106-130(c) Vehicles Parked/Stored

Fine as per code: \$100.00



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Danielle Pearsall

C. Date of Delivery

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

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7011 3500 0003 5157 5647

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7011 3500 0003 5157 5647

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

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

5705

DOVER DE 19
AUG 23 2012

Postmark
Here

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

USPS

DM
12
2584

Inspections & Planning

for instructions

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



3/5
Phone: (302) 736-7011
Fax: (302) 736-4217

THIRD NOTICE

February 27, 2012

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

Gone

RE: Property Address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 12-00000525

Dear Ms. Pearsall:

On February 27, 2012, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

Violations were previously issued for the same vehicle on May 16, 2011 and July 19, 2011. Enclosed is a Citation for repeated violations. If the property is a rental unit, an additional \$50.00 re-inspection fee has been enclosed. Citations will double if not paid within 14 days of the issue date. An additional inspection will be conducted by March 05, 2012. Failure to comply will result in an additional citation and if the property is a rental unit, may result in the suspension of the rental license. Contact this office to schedule your inspection.

If you have any questions or would like to schedule your inspection or appeal this notice, please contact this office at (302) 736-7011.

Sincerely,

A handwritten signature in black ink, appearing to read "David McGinnis".

DAVID MCGINNIS
Code Enforcement Officer

cc: File



CASE NUMBER 12-00000525
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 2/27/12
LOCATION: FRONT YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass. The white Infiniti J30 (DE/241681 exp 9/15/11) must be moved off of the grass and onto an approved parking surface. Violations were issued to this same vehicle on May 16, 2011 and July 19, 2011. Enclosed is a citation for repeated violations.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

Division of
Code Enforcement
15 Lookerman Plaza
Dover, DE 19901

City of Dover



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

OFFICIAL CITATION

Citation # 12-00000525

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

Location of Offense: 906 MCDOWELL DR
Type of Offense: DOVER CODE OF ORDINANCES
Date of Offense: February 27, 2012
Time of Offense: 16:05
Date of Issue: February 27, 2012
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 Lookerman Plaza, Dover, Delaware prior to March 12, 2012.

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.

A handwritten signature in black ink, appearing to read "D. McGinnis", is written over a large, faint circular watermark of the City of Dover seal.

DAVID MCGINNIS
Code Enforcement Officer

Violation: (X) Parking on an unapproved parking surface

Sec No: 106-130(c) DCO Vehicles Parked/Stored

Fine as per code: \$50.00

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

DANIELLE PEARSALL
906 MCDOWELL DR
DOVER DE 19901

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Danielle Pearsall

C. Date of Delivery

12-2012

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7011 0470 0002 4595 2980

Domestic Return Receipt

102585-02-M-1540

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit www.usps.com

7011 0470 0002 4595 2980

DM Postage \$
Certified Fee
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)

DOVER DE 19901
FEB 29 2012
USPS

2012

Postmark

Inspections & Plans

Total Postage & Fees
DANIELLE PEARSALL
906 MCDOWELL DR
DOVER DE 19901

for instructions

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



7/26
OK

Phone: (302) 736-4457
Fax: (302) 736-4217

July 19, 2011

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

RE: Property address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 11-00002224

Dear Ms. Pearsall:

On July 19, 2011, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by July 26, 2011, 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) 736-4457.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McGinnis'.

DAVID MCGINNIS
Code Enforcement Officer

cc: File

VIOLATION DETAIL

PAGE 1

CASE NUMBER 11-00002224
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 7/19/11
LOCATION: SIDE YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass.
Please move the white Infiniti J30 (DE/241681) off of the
grass and onto an approved parking surface. A violation was
previously issued on the same vehicle on 5/16/11. Any
further violations will result in a citation being issued.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

Division of
Code Enforcement
15 Lookerman Plaza
Dover, DE 19901

City of Dover



SBI
OK

Phone: (302) 736-4457
Fax: (302) 736-4217

SECOND NOTICE

May 24, 2011

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

RE: Property Address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 11-00001520

Dear Ms. Pearsall:

On May 16, 2011, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by May 31, 2011 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.

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) 736-4457.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. McGinnis", is written over a horizontal line.

DAVID MCGINNIS
Code Enforcement Officer

cc: File

VIOLATION DETAIL

PAGE 1

CASE NUMBER 11-00001520
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 5/16/11
LOCATION: SIDE YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass.
Please move the white Infiniti J30 (DE/241681) off of the
grass and onto an approved parking surface.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



5/23
Phone: (302) 736-4457
Fax: (302) 736-4217

May 16, 2011

Still
there

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

RE: Property address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 11-00001520

Dear Ms. Pearsall:

On May 16, 2011, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by May 23, 2011, 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) 736-4457.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. McGinnis", is written over a horizontal line.

DAVID MCGINNIS
Code Enforcement Officer

cc: File

VIOLATION DETAIL

PAGE 1

CASE NUMBER 11-00001520
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 5/16/11
LOCATION: SIDE YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass.
Please move the white Infiniti J30 (DE/241681) off of the
grass and onto an approved parking surface.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

City of Dover



4/5
OK
Phone: (302) 736-4457
Fax: (302) 736-4217

SECOND NOTICE

March 29, 2010

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

RE: Property Address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 10-00000530

Dear Ms. Pearsall:

On March 08, 2010, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by April 05, 2010 will result in a summons being issued. Fines may be as high as \$1,000.00 per day for each day that the violation exists.

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) 736-4457.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. McGinnis", is written over a horizontal line.

DAVID MCGINNIS
Code Enforcement Officer

cc: File

CASE NUMBER 10-00000530
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 3/08/10
LOCATION: SIDE YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass.
Please move the white Infiniti J30 (DE/241681) off of the
grass and onto an approved surface.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

City of Dover



3/24

Phone: (302) 736-4457
Fax: (302) 736-4217

March 8, 2010

DANIELLE K PEARSALL
906 MCDOWELL DR
DOVER DE 19901

RE: Property address: 906 MCDOWELL DR
Tax Parcel Number: ED-05-068.10-03-440.000-000
Case Number: 10-00000530

Dear Ms. Pearsall:

On March 08, 2010, the City of Dover, Department of Inspections conducted an inspection at 906 MCDOWELL DR.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by March 15, 2010, 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) 736-4457.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. McGinnis", with a stylized flourish at the end.

DAVID MCGINNIS
Code Enforcement Officer

cc: File

VIOLATION DETAIL

CASE NUMBER 10-00000530
PROPERTY ADDRESS 906 MCDOWELL DR

VIOLATION: 707 QUANTITY: 1
DESCRIPTION: 707 VEHICLES PARKED/STORED DATE: 3/08/10
LOCATION: SIDE YARD

NARRATIVE :

Vehicles are not permitted to be parked on the grass.
Please move the white Infiniti J30 (DE/241681) off of the
grass and onto an approved surface.

ORDINANCE DESCRIPTION :

SECTION DCO 106-130 (C) VEHICLES PARKED/STORED APP.SURFACE
TO BE ASPHALT, CONCRETE OR OTHER HARD PAVED SURFACE

CORRECTIVE ACTION REQUIRED :

PARK VEHICLE(S) ON APPROVED PARKING SURFACE

City of Dover

September 18, 2012

Mr. Jose Perez
103 Beth Place
Dover, DE 19901

Re: Appeal of Violation #12-00002419 - 103 Beth Place, Dover, DE

Mr. Perez:

I have received your request to appeal the violation of Chapter 114 - Vegetation, Article II - Weeds, Section 114-32 - Maximum height, for unlawfully permitting grass/weeds in excess of eight (8) inches at 103 Beth Place, Dover, Delaware.

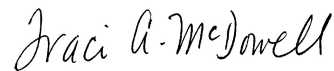
Sec. 114-32. - Maximum height.

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 meeting of the Property Maintenance Code Board of Appeals has been scheduled for Tuesday, September 25, 2012 at 1:00 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal.

Please feel free to contact me by e-mail at 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/dd

S:\APPEALS\09-17-2012 Appeal of Violation - 103 Beth Place - Jose Perez.wpd

cc: Ann Marie Townshend, Dir. of Planning & Community Development
Scott Koenig, City Manager
Kay Dietz-Sass, Public Affairs Coordinator
Nicholas Rodriguez, City Solicitor
Mayor and City Council



Jose R Perez Jr
103 Beth Place
Dover, DE 19901
(302) 730-4347

September 14, 2012

City Clerk
City Hall - 15 Loockerman Plaza
Dover, DE 19903

Subject: Appeal of Citation# 12-00002419

Dear Sir or Madam,

I am writing regarding the citation received for the supposed violation of Unlawfully permitting grass/weeds in excess of 8 inches. The grounds on which I wish to appeal are that although we received a Lawn Care reminder from Mr. Ron Coburn, Code Enforcement Officer, I did not have the opportunity to see the reminder till the evening before the inspection, of which was August 21, 2012.

Mr. Ron Coburn, followed up with an inspection on August 22, 2012 at 9:43am according to the attached photo on the citation.

I was not able to cut the grass until the evening of August 22, 2012, of which has been maintained since.

Reason, for which the lawn had not been attended to in that time, is that my wife and I serve in the community as volunteers in the construction and renovation of places of worship. Although serving as a volunteer, I have the responsibility of overseeing the Plumbing department, and we were working at one such project in Exmore, VA since August 6, 2012. As you can see such responsibilities take us away from our home for long periods of time, although not with high frequency.

In addition to the reason above, in the photo taken by Mr. Ron Coburn(dated: 8/22/2012) and attached to citation# 12-00002419, it appears to show that the supposed infraction was only found to be at one corner of the dwelling and not throughout the premises and such not appearing to present a health or fire risk/hazard.

One more note that I would like to add, is that at the time of calling the Division of Code Enforcement and speaking to Mr. Ron Coburn on Thursday, September 13, 2012, to ask for an appeal, his immediate response to my explanation was, "do you know how many times we hear that excuse sir!".

I did not appreciate the tone of sarcasm or unprofessionalism of such response, and did not feel that it was warranted.

Therefore, I am requesting your reconsideration of this issue. If there is any additional information I could offer to you that would hasten this matter, please feel free to contact me. Thank you for your time and consideration of this important matter.

Sincerely,

Jose R Perez, Jr
(302) 730-4347
joserperezjr@gmail.com

PART II - CODE OF ORDINANCES
Chapter 114 - VEGETATION
ARTICLE II. - WEEDS

ARTICLE II. - WEEDS

[Sec. 114-31. - Definitions.](#)

[Sec. 114-32. - Maximum height.](#)

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

[Sec. 114-34. - Fines.](#)

[Sec. 114-35. - Exceptions.](#)

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 health inspector 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 certified mail 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 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 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 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.

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Chapter 114 - VEGETATION
ARTICLE II. - WEEDS

(b) *Failure to pay charges.* 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, 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 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.

(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)

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 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)

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

PART II - CODE OF ORDINANCES
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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)

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JOSE & EILEEN PEREZ
103 BETH PL
DOVER DE 19901

RC
12
2419

Inspections & Planning

For Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

JOSE & EILEEN PEREZ
103 BETH PL
DOVER DE 19901

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
[Signature]
- B. Received by (Printed Name) *JOSE R. PEREZ, JR.*
- C. Date of Delivery *AUG 21 2012*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type *RC 12-2419*
- | | |
|--|---|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7011 3500 0003 5157 5753

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

August 22, 2012

JOSE & EILEEN PEREZ
103 BETH PL
DOVER DE 19901

RE: Property Address: 103 BETH PL
 Tax Parcel Number: LC-05-058.17-04-570.000-000
 Case Number: 12-00002419

DEAR Mr. & Mrs. Perez:

This letter is to notify you that your property located at 103 BETH PL 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 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

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

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.

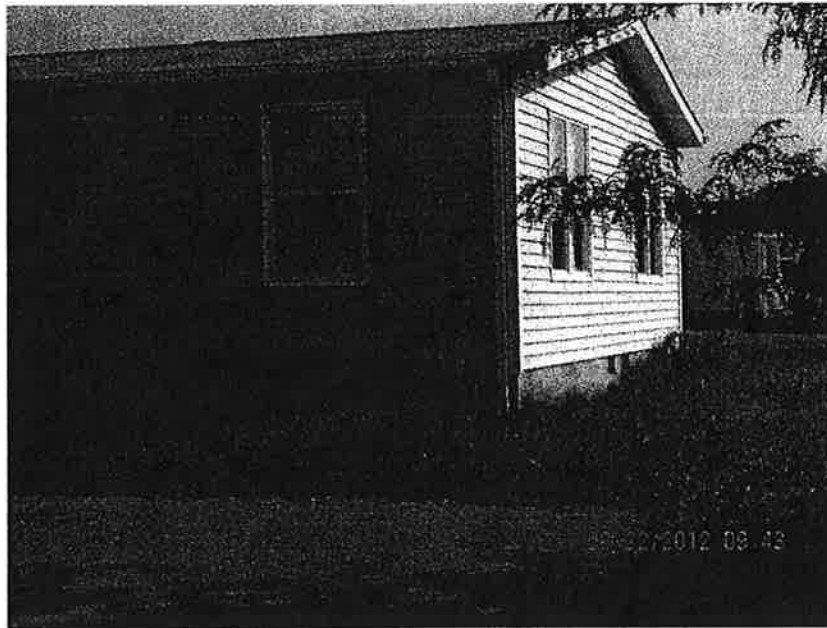
We sincerely request your cooperation in helping to keep the City clean by maintaining this type property in a well kept manner, thus making our City a more pleasant place in which to live.

Sincerely,

A handwritten signature in cursive script, appearing to read "RC".

RON COBURN
Code Enforcement Officer

Enclosure



Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

OFFICIAL CITATION

Citation # 12-00002419

JOSE & EILEEN PEREZ
103 BETH PL
DOVER DE 19901

Location of Offense: 103 BETH PL
Type of Offense: TALL GRASS AND WEEDS
Date of Offense: August 22, 2012
Time of Offense: 09:43
Date of Issue: August 22, 2012
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 05, 2012

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.

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

RC

RON COBURN
Code Enforcement Officer

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

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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Fax: (302) 736-4217

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.



ND

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover



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

LAWN CARE REMINDER

August 14, 2012

JOSE & EILEEN PEREZ
103 BETH PL
DOVER DE 19901

RE: Property address: 103 BETH PL
Tax Parcel Number: LC-05-058.17-04-570.000-000
Case Number: 12-00002419

DEAR Mr. & Mrs. Perez:

The City Inspectors have noticed the grass and/or weeds in your yard are close to exceeding the EIGHT(8") inch high property code violation (City Ordinance 114-32 grass and weeds may not exceed EIGHT (8") inches). Failure to maintain this ordinance can result in a citation being issued.

If you are one of our many citizens who take good care of your property and this is the first time receiving this notice, please do not be offended. We understand that there may be an unusual circumstance causing the current situation. If you have any questions, please call 736-7011. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to be "RC", representing Ron Coburn.

RON COBURN
Code Enforcement Officer

Location: Exterior property areas

Please cut grass before August 22, 2012