

ICC Citation
Building
Abatement
Violation License
of Elsmere Code
Inspection
Standards Fine
Permit

Code Enforcement Department



ANNUAL REPORT 2020



Ordinance zoning
y Maintenance
on Electrical
umbing Safet
Plan Review
Enforcement

MISSION

The Code Enforcement Department's mission is to work in partnership with the Town's Board of Adjustment, Planning Commission and Department of Public Safety to promote and maintain a safe and desirable living and working environment. The department will strive to maintain or improve the quality of our community by administering a fair and unbiased enforcement program to correct violations of the Codes and land use requirements of the Town while dealing with permits, code compliance, rental property licensing and citizens' inquiries. These programs are intended to ensure public safety, minimize untimely delays to citizens and to provide for expedited review procedures to increase public satisfaction.



Accordingly, the Code Enforcement Department's responsibilities include, but are not limited to, enforcement of the property maintenance, zoning, and the floodplain codes as well as enforcement of the National Pollutant Discharge Elimination System (NPDES), assist the Board of Adjustment and Planning Commission; review variance requests; process all building, electrical, HVAC, plumbing, and pool permits; issue building and rental Certificates of Occupancy; perform pre-rental inspections of all residential and commercial rentals; issue business and rental licenses; maintain the log of vacant property registrations (abandoned/foreclosed registrations handled by a third party); and, maintain the permanent records of each parcel.

CITATIONS

To meet its mission to promote and maintain a safe and desirable living and working environment, the town code enforcement officers issue citations to properties that are not in compliance with the Town's property maintenance code. Once a property has been identified as being in violation of the Code, a citation issued. The property owner has 48 hours to correct the violation without a fine being assessed. The resident may request an extension to correct the violation. If the violation remains uncorrected after five days, with no extension being granted, the Town may then abate the violation.

In calendar year 2020, 30% of the citations issued resulted in a fine charged to the property owner.

Complaint Received

- By phone, in person, Request Tracker or See Click fix.

Within 1 Business Day

- The complaint is entered into the computer and forwarded to the code officers.
- Upon inspection of the property, the code officer determines whether a violation exists.
- If no violation is found, the code officer will note their findings in the computer and the complaint is closed.
- If a violation is found, the code officer will take the following steps: Take a photo of the violation, generate a citation, and print (3) copies of the violation. One copy is posted on the front door at the property, one copy is mailed to the property owner, and one copy is placed in the parcel file for the property.

Within 48 Hours after the Citation has been Issued

- The code officer re-inspects the property to determine if the violation has been corrected.
- If the violation has been corrected, the code officer will note their findings in the computer and the complaint is closed.
- If the violation has not been corrected and the property owner has not been granted additional time to correct the violation, the code officer will take the following steps: Generate an invoice for the fine amount (usually \$100 per violation) and print (4) copies of the violation. One copy is posted on the front door at the property, one copy is mailed to the property owner, one copy is forwarded to the Finance Department, and one copy is placed in the parcel file for the property.

5 Days after the Citation has been Issued

- The code officer will re-inspect the property to determine if the violation has been corrected.
- If the violation has been corrected, the code officer will note their findings in the computer and the complaint will be closed.
- If the violation has not been corrected and the property owner has not been granted additional time to correct the violation, the code officer will complete an abatement request form, which is subsequently forwarded to the Public Works Department.

Abatement

- Once the abatement is completed, the abatement request form is forwarded from the Public Works Department to the Finance Department.
- The Finance Department calculates the actual cost of the abatement and mails an invoice to the property owner for this amount. The due date is 30 days from the date of the invoice.
- The code officer will make a note in the computer and the complaint is then closed.

Special Tax Lien

- A copy of each invoice generated by the Code Department is forwarded to the Finance Department.
- Once the invoice becomes delinquent, the Finance Department will transfer the invoice amount to a special tax lien on the property.
- The amount of the special tax lien will begin accruing monthly interest on the first of each month following the date that the invoice amount became 30 days past due.

In total, 568 citations were issued in 2020. The three-year average from 2018 through 2020 is 445 citations per year. A comparison of 2020 to the previous year shows that the number of citations that were issued increased by 93 percent from 295 to 568.



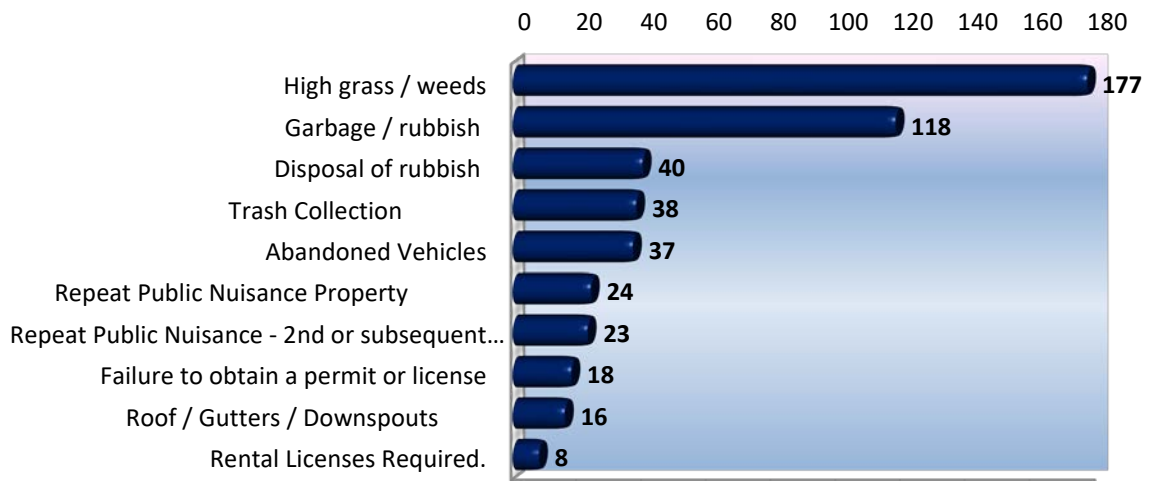


The following timeline shows the procedure that the code enforcement department follows when issuing a citation. For the purpose of the below timeline, a violation is the condition that violates the Town Code, and the citation is the notice that is issued by the code enforcement department.

Citations issued, By Council District

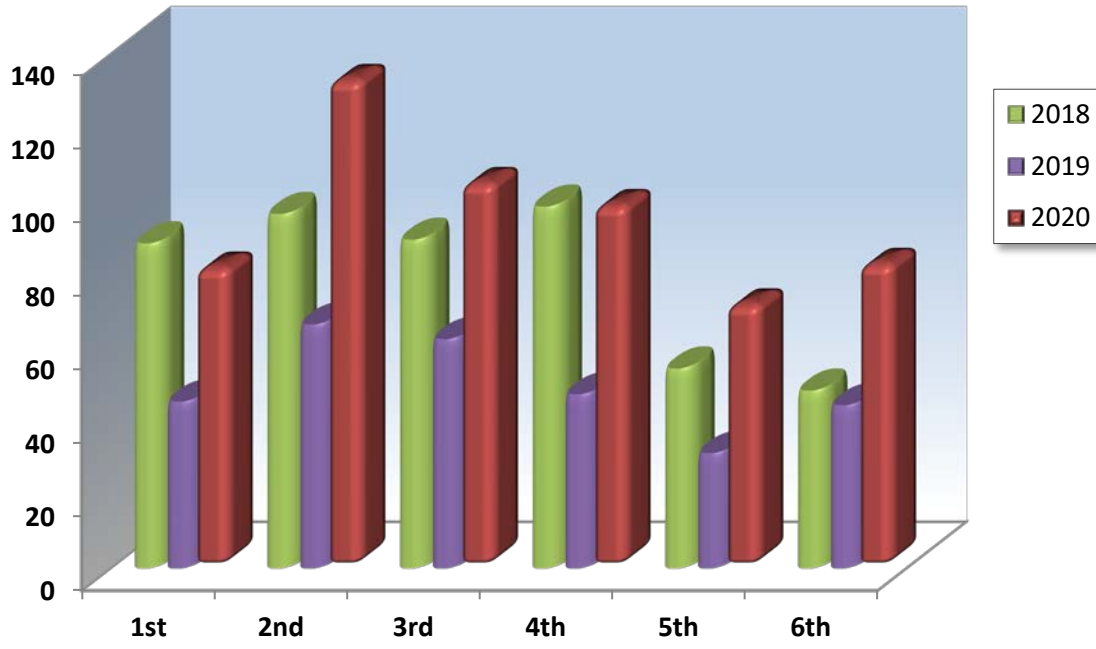
Month	1st	2nd	3rd	4th	5th	6th	Total	Corrected	Fine Issued
January	6	14	17	14	3	3	57	39	18
February	-	12	10	10	6	3	41	21	18
March	8	11	2	5	3	10	39	24	11
April	6	3	2	2	4	4	21	10	8
May	6	13	8	10	7	9	53	36	14
June	5	9	3	3	5	4	29	12	13
July	13	5	13	7	3	8	49	34	10
August	10	19	12	33	15	8	97	63	32
September	4	25	11	7	11	12	70	53	16
October	6	12	5	4	5	3	35	19	10
November	7	3	5	-	2	2	19	9	10
December	10	6	16	3	7	16	58	48	9
Total	81	132	104	98	71	82	568	399	169
Percent	14.3%	23.2%	18.3%	17.3%	12.5%	14.4%	100%	64.7%	29.7%

Citations Issued by Type*



**The above chart is composed of the top 10 types of violations in 2020.*

Citations Issued, 2018-2020



NUISANCE PROPERTIES CITED DURING THE YEAR

Once a property has been issued three or more violations within a 12-month period, the Code Enforcement Department issues a repeat public nuisance citation to the property. The fine for the first offense is \$1,000 and each subsequent offense is \$2,000. The following properties were issued repeat public nuisance citations in 2020. The month that the repeat public nuisance citation was issued is noted next to the property address.

District 1

- 10 Elsmere Bl (June)
- 29 Elsmere Bl (November)
- 301 Rosemont Dr (August)

District 2

- 915 Baltimore (March, April, June)
- 906 Kirkwood Hwy (May, September)
- 504 Kirkwood Hwy (June)
- 117 Northern Ave (June, September)
- 132 Filbert Ave (August)
- 272 Filbert Ave (September, Oct)
- 274 Filbert Ave (August, Oct)
- 412 New Rd (Oct)



District 3

- 908 Dover Ave (January)
- 1228 Sycamore Ave (February)
- 1250 Maple Ave (September)

District 4

- 147 Bungalow Ave (January)
- 229 Bungalow Ave (January, August)
- 1314 Cypress Ave (January, August)
- 1332 Cypress Ave (January)
- 1341 Cypress Ave (August)
- 1348 Cypress Ave (August)
- 1346 Sycamore Ave (April)
- 1353 Sycamore Ave (August)
- 1304 Cypress Ave (Oct)

District 5

- 108 Forrest Ave (February, May, September)

- 109 Forrest Ave (December)
- 1101 Matti Ave (May, June, July, Aug, Sept, Nov)
- 303 Olga Rd (March)
- 315 Olga Rd (May)
- 7 Beech Ave (December)
- 23 Beech Ave (August)

District 6

- 8 Vilone Pl (March, December)
- 505 Junction St (May)
- 117 Vilone Rd (December)

ABATEMENTS



The property owner who receives a citation must correct the violation within five days after the code officer issues a citation to the property. When situations arise in which the homeowner needs more time to correct the violation, such as for repairs that require more time than five days to complete, or for other extenuating circumstances, the Code Office will work with the homeowner so that the homeowner has a reasonable amount of time to correct the violation. If the violation continues to exist after five days and the property owner has failed to contact the Code Enforcement Department

to discuss an extension of time, then the violation may be abated (typically by the Public Works Department). The property owner is then billed for the actual cost of the abatement. The following properties were ordered abatements in 2020.

District 1		
1028 S Grant Ave	(August)	Removal of garbage/rubbish
12 Elsmere Bl	(November)	Removal of garbage/rubbish
29 Elsmere Bl	(August, November)	High grass, removal of garbage/rubbish
2107 Seneca Rd	(November)	Removal of garbage/rubbish
404 Old DuPont Rd	(September)	High grass

District 2		
600 Kirkwood Hwy	(May)	High grass

District 3		
127 Birch Ave	(May)	High grass
1006 Dover Ave	(January)	Removal of garbage/rubbish
1250 Maple Ave	(September)	High grass
16 Tamarack Ave	(September)	High grass / pool drainage

District 4		
203 Bungalow Ave	(May)	High grass
1314 Cypress Ave	(January, July x3)	High grass, removal of garbage/rubbish
1336 Cypress Ave	(January)	Removal of garbage/rubbish
1341 Cypress Ave	(August)	High grass
1348 Cypress Ave	(July, September)	High grass x2, removal of dog feces
1330 Maple Ave	(October)	High grass
1303 Sycamore Ave	(January, October)	Removal of garbage/rubbish, high grass
1346 Sycamore Ave	(January)	Removal of garbage/rubbish
1353 Sycamore Ave	(August)	High grass
1355 Sycamore Ave	(August)	High grass

District 5		
1101 Matti Ave	(June x2, July, August, September, December)	High grass, removal of fallen tree

District 6		
113 Vilone Rd	(May)	High grass

BUILDING PERMITS

The Code Enforcement Department is responsible for processing and issuing all building permits, which include building, electrical, plumbing, HVAC, and pool permits. During calendar year 2020, the Code Department processed 232 permits. The Town has contracted with Building Inspection Underwriters (BIU), whose representative reviews each of these permits, ensuring that the proposed work meets all zoning and building codes as well as all local, state, and federal regulations. Contractors who apply for building permits, in addition to any other business and professional licenses required by state or federal regulations, must also hold a current town business license. BIU performs any building inspections required by the Code.

Once a permit is issued, the work must begin within six months. The permit holder is responsible for scheduling any building inspections through BIU, which may include both progress inspections and a final inspection. All work, regardless of the type of work, must pass a final inspection at a minimum.

Permit fees are waived during the months of May and October for certain types of work, such as roofing, siding, driveways, doors, windows and sidewalks. In accordance with Ordinance 627, which became effective on May 12, 2017, permit fees are also waived partially for those residents who receive the Town’s senior/disabled tax credit and waived in full for those who receive the base tax credit. As a result, \$2, 475.63 was waived in the months of May and October and \$532 was waived for those receiving the senior, disabled or base property tax credits.

The following tables summarize the permits issued in 2020 by district, the type of work to be performed, and shows a comparison of 2019 to the two previous years.

Permits Issued, By Council District

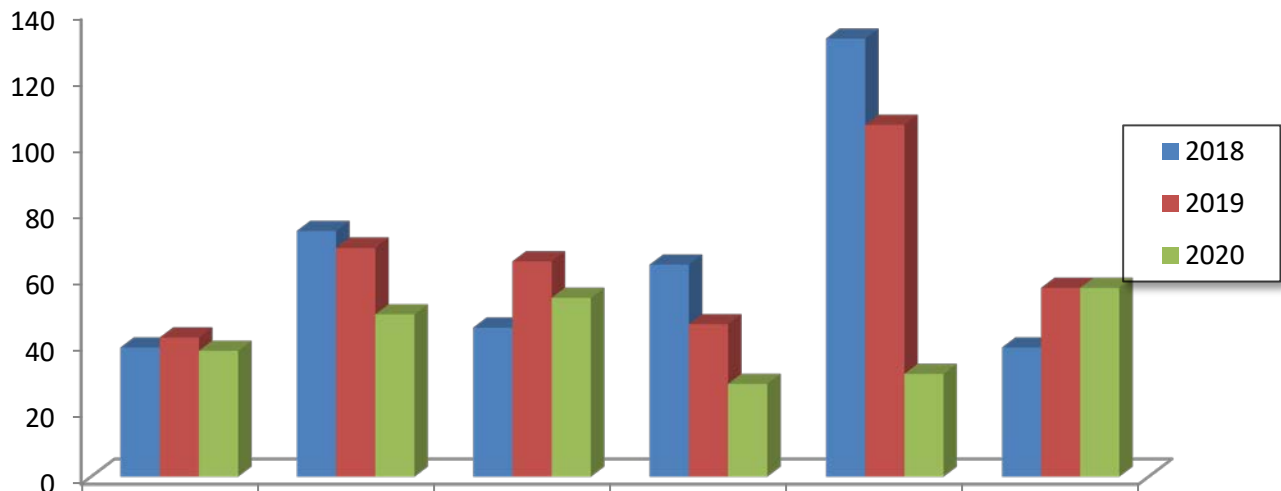
	1st	2nd	3rd	4th	5th	6th	Total
January	1	8	3	2	2	1	17
February	1	1	3	1	2	4	12
March	4	1	5	1	3	2	16
April	8	3	5	3	-	2	21
May	2	4	6	4	4	9	29
June	5	7	4	5	6	11	38
July	6	4	7	4	3	8	32
August	4	6	3	2	2	6	23
September	2	3	5	-	3	7	20
October	3	3	8	4	2	2	22
November	-	5	3	1	2	2	13
December	2	4	2	1	2	3	14
Total	38	49	54	28	31	57	257

Permits Issued, By Type

Type	C or R	#	Project Cost	Permit Fee
BUILDING				
	Commercial	13	362,141	8,670.40
	Residential	142	608,709.29	16,223.19
BUILDING Permit	Total	155	\$ 970,850.29	\$ 24,893.59
ELECTRICAL				
	Commercial	5	25,268	610
	Residential	18	62,811	14,134
ELECTRICAL Permit	Total	23	\$ 88,079	\$ 14,744
HVAC				
	Commercial	4	199,625	597.50
	Residential	43	364,549	6,047.50
HVAC Permit	Total	47	\$ 564,174	\$ 6,645
PLUMBING				
	Commercial	1	49,004.02	667.50
	Residential	25	80,510.45	1,982.5
PLUMBING Permit	Total	26	\$ 129,514.47	\$ 2,650
POOL				
	Residential	1	-	25
POOL Permit	Total	1	\$ -	\$ 25
Grand Total		252	\$ 1,752,617.76	\$ 48,957.59

There are 5 roadway repair permits that are not reflected in the table above.

Total Permits Issued, 2018-2020



NEW IN-TOWN BUSINESSES

Before they begin operating within the Town of Elsmere, businesses must pass a Delaware Fire Marshal Office inspection as well as a town inspection performed by the Code Enforcement Department.

The following three businesses passed all required inspections. One of the businesses were issued their initial business license in 2019. All these businesses were still in operation at the end of the year.

- **Domino's Pizza**, 504 Kirkwood Hwy (September)
- **GFP Concrete**, 14 Hadco Rd (September)
- **Vitamin Energy**, 3-5 Colonial Ave (December)
- **Centre Exxon**, 600 Kirkwood Hwy (December)

LICENSING

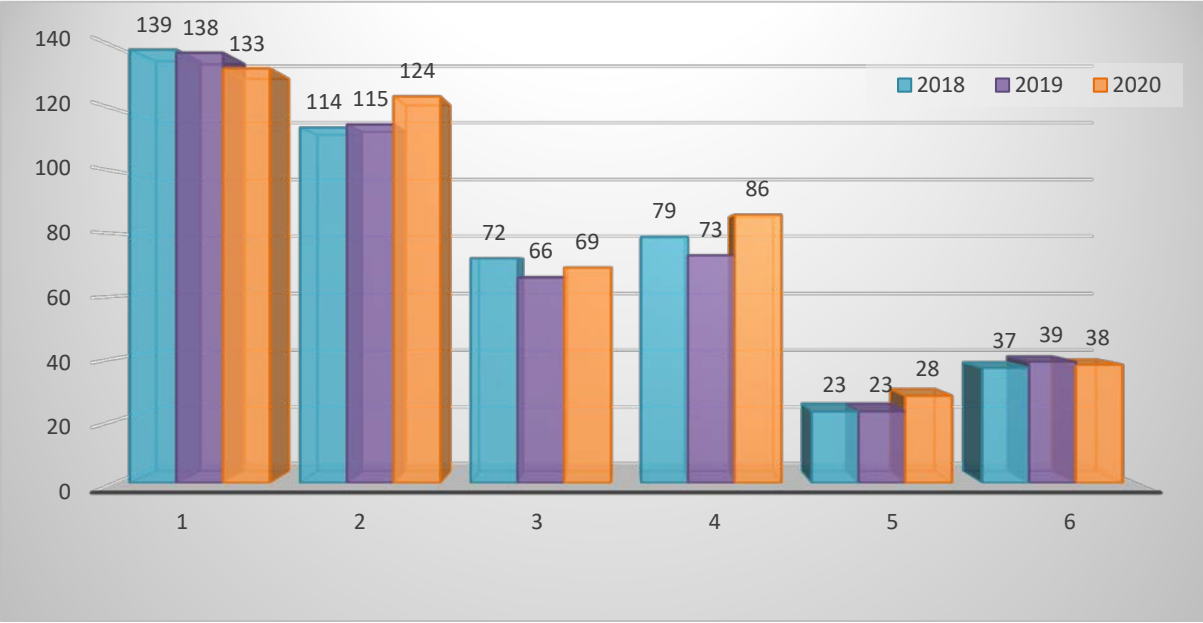
All annual licenses, for both business licenses and rentals licenses, must be renewed by October 31 of each year. The current license period is from November 1, 2020 through October 31, 2021. Renewal notices were mailed on September 28, 2020. This was the seventh year that the license information was pre-printed on the renewal form as a convenience to license holders.

Business Licenses - A town business license is required to be issued prior to a business performing any work within the Town of Elsmere. When applying, the applicant must provide proof of business insurance and any state and local business and professional licenses required by federal, state and local regulations. In-town businesses must renew their licenses by October 31. Businesses that are located out of town usually wait to renew their license until it is needed. At the end of calendar year 2020, 194 in town businesses and 427 out of town businesses had been issued a town business license for the current license period.

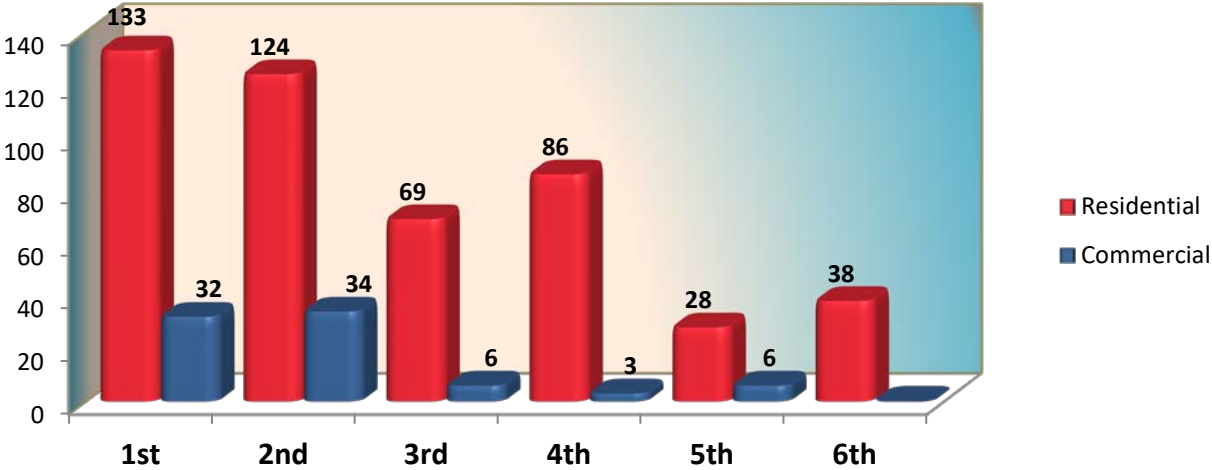
Rental Licenses - A rental license must be issued prior to occupancy of any rental property - whether residential, commercial or an apartment unit. In addition, all rental units are required to pass a Code Department pre-rental inspection before any change in occupancy. In 2020, code officers performed 144 pre-rental inspections, which included 40 residential units, 102 apartment units, and 2 commercial rentals. Commercial units must also pass a State Fire Marshal's inspection in addition to the town inspection. To prepare for the pre-rental inspection, the Code Enforcement Department has prepared a pre-rental inspection guide. Copies of the guide are available in the Code Department or property owners can download a copy from the town website.

The following shows the residential and commercial rental licenses that have been issued for the current license period as of December 31, 2020 and provides a three-year comparison for the number of residential and commercial licenses that have been issued. The four apartment complexes, which comprise a total of 456 apartment rental units, are not reflected in the following charts.

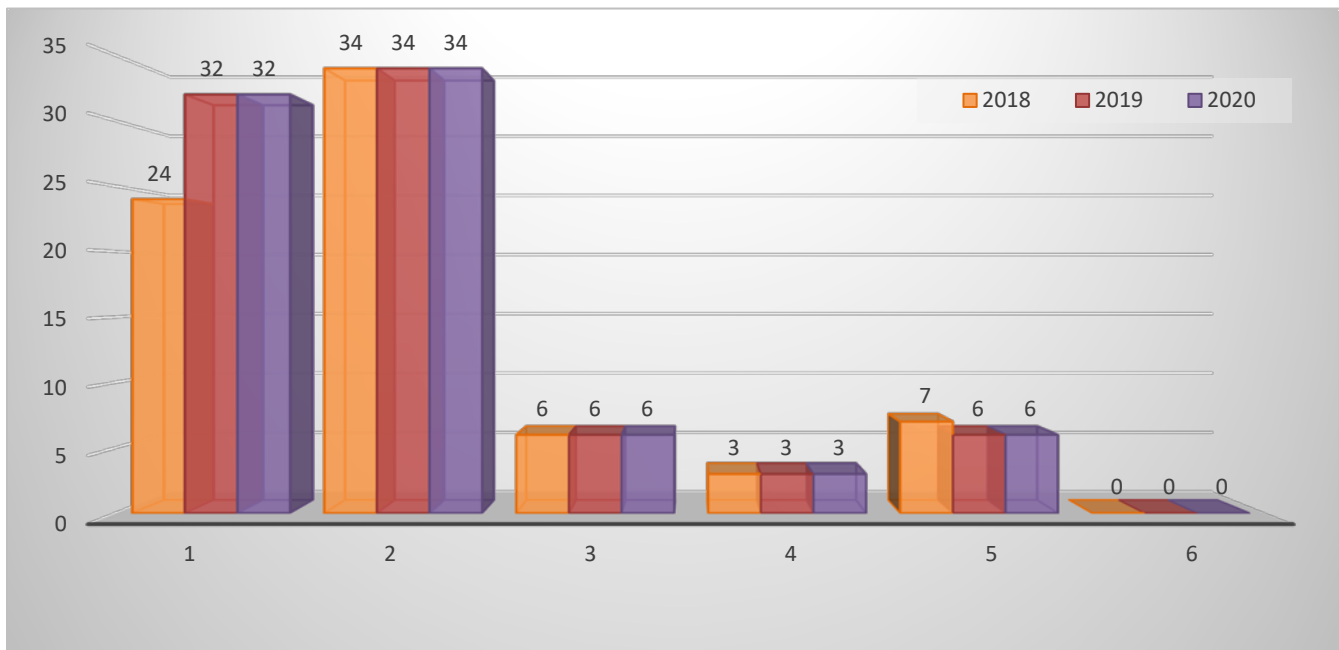
Rental Licenses Issued, 2020, By Council District



Residential Rental Licenses, 2018-2020, By Council District



Commercial Rental Licenses, 2018-2020, By Council District



PLANNING COMMISSION / BOARD OF ADJUSTMENT

The Planning Commission and Board of Adjustment meet the first and fourth Tuesday of each month, respectively. The Code Enforcement Department is responsible for reviewing and analyzing each application that is filed to determine any and all variances, special exceptions and other requirements that may be required according to the Code. In 2018, the Planning Commission also began reviewing all projects which could increase the net impervious space to increase the town's green space and to meet the requirements of the town's NPDES permit.

The department publishes all public notices and meeting agendas and minutes, attends all Planning Commission and Board of Adjustment meetings, and notifies the applicant once the Planning Commission and Board of Adjustment decide.

In 2020, 16 petitions were submitted to the Code Department. The following list includes petitions that were submitted and considered by the Planning Commission and Board of Adjustment and were considered in the 2020 year:

- **16 Village Ct**, Plan review of a driveway regarding lot coverage due to NPDES regulations. (Approved)
- **1358 Maple Ave**, Appeal of Citation V20000178. (Denied)
- **147 Bungalow Ave**, Appeal of Citation V2000182. (On hold due to COVID-19)
- **12 Gamble Ave**, Plan review of a driveway extension and shed due to NPDES regulations. (Approved)
- **9 Jefferson Ave**, Plan to review application for reverse subdivision. (On hold to due COVID-19)

- **100 Olga Rd**, Plan review of a driveway regarding lot coverage due to NPDES regulations. (Approved)
- **109 Washington Ave**, Plan review of a gazebo regarding lot coverage due to NPDES regulations. (Approved)
- **410 Junction St**, Variance to add addition to structure regarding lot coverage due to NPDES regulations. (Approved)
- **2 Vilone PL**, Variance for fence on corner lot. (Approved)
- **29 Village Ct**, Plan review of a driveway regarding lot coverage due to NPDES regulations. (Approved)
- **303 Silverbrook Dr**, Plan review of a driveway extension and shed due to NPDES regulations. (Approved)
- **510 Kirkwood Hwy**, Appeal of Citation V2100028. (Denied)
- **0 Commerce Dr**, Variance to build 50'x50' structure. (Pending)
- **412 New Rd**, Appeal of Citation V2000251. (Pending)
- **2 Marvillo Ave**, Plan review of a driveway for reviewing lot coverage due to NPDES regulations. (Approved)
- **1304 Cypress Ave**, Appeal of Citation V2000250. (Pending)

TRAINING

Members of the code enforcement department attended the following training:

- Using ADA & ABA Standards Series – Chapter 1: Application & Administration (January)
- Using ADA & ABA Standards Series – Chapter 2: Scoping – New Construction (February)
- DEMA Disaster Grant Procurement Training (February)
- Certified Stormwater Inspector, Municipal – (February)
- Using ADA & ABA Standards Series – Chapter 2: Scoping – Alterations (March)
- DELJIS Training Certification (March)
- Front Desk Safety and Security Training (March)
- Using ADA & ABA Standards Series – Chapter 3: Building Blocks (April)
- Using ADA & ABA Standards Series – Chapter 4: Accessible Routes (May)
- Using ADA & ABA Standards Series – Chapter 5: General Site & Building Elements (June)
- Using ADA & ABA Standards Series – Chapter 6: Plumbing Elements & Facilities (July)
- Delaware Division of Substance Abuse and Mental Health – Field Safety Training (July)
- Delaware Division of Substance Abuse and Mental Health – Office Safety Training (July)
- Using ADA & ABA Standards Series – Chapter 7: Communication Elements & Features (August)
- Using ADA & ABA Standards Series – Chapter 8: Special Rooms, Spaces, & Elements (Part 1) (September)
- Using ADA & ABA Standards Series – Chapter 8: Special Rooms, Spaces, & Elements (Part 2) (October)
- Statewide FOIA Coordinator Training (October)
- Using ADA & ABA Standards Series – Chapter 9: Built-In Elements (November)
- Using ADA & ABA Standards Series – Chapter 10: Recreation (December)

NOTEWORTHY PROJECTS AND EVENTS

Improvement Projects

- The street improvement program began working on replacing curbing throughout the south side of Town.
- Construction of the Domino's Pizza has concluded and has obtained all Certificate of Occupancies to be open for business.

Community Involvement

- Due to the COVID-19 pandemic, there were no community involvement events this year. All public meetings were held virtually.

Certifications

- One of the Code Officers attended a two-day training course and successfully obtained the certification as a Certified Stormwater Inspector.