

Below is the weekly report for the week ending today, December 1<sup>st</sup>, 2023.

### City Manager's Highlights

1. **Winterfest Postponed:** Due to inclement weather, Winterfest has been postponed until Saturday, December 2<sup>nd</sup>. The annual reindeer Run will proceed as planned on Friday, rain or shine.
2. **City Hall Paving:** The final phase of paving at City Hall is scheduled for Monday, December 4<sup>th</sup>. This phase includes the entrance off Veteran's Lane which means the main lot will be closed, so we will be closed to walk-ins for the day. For employees and councilmembers, the building can still be accessed via the temporary route to the atrium or from S. Main. After Monday, the only large item remaining will be striping which will be completed overnight or on a weekend to minimize disruption.

### Items for Newsletters:

1. **Yard Waste Collection – Winter Schedule Begins December 6, 2023:** City-wide Yard Waste Collection will be suspended for the winter **after** the collection on Wednesday December 6 until the first week of March 2024. Residents may call Public Works to schedule a yard waste collection during this period. Pickups will be scheduled for Wednesdays during weeks without a City Holiday.
2. **Fall Leaf Collection:** Fall leaf collection is underway and we are seeing the bulk of the leaves come down. **Residents can expect pickups roughly every 2 weeks until mid-December.** 'Leaving' the leaves on the grass and mulching them with the lawn mower or composting are great options that provide nutrients for your lawn. Crews will make a final sweep of the City in late December/early January to collect any remaining leaves.
3. **Free Water for a Year initiative:** Newark Water customers are encouraged to complete the online survey at this link: <https://newarkde.gov/lead> to enter a sweepstakes for free water for a year, up to \$1000 value! The data collected will help complete a required inventory of service lines and reduce operating costs for the water utility. Please share with your newsletters and mailing lists. **A postcard has been sent to each water customer in our system, please encourage your constituents to complete the survey and contact PWWR if there are any questions.**

### Public Works

1. Water Main Breaks: Crews have responded to and repaired another three (3) water main breaks this week. We tend to see breaks as temperatures fluctuate overnight as we have seen over the last week. Residents will be notified directly if there are any temporary service disruptions or boil water advisories.

2. Annual Reservoir Inspection: Staff participated in the annual inspection of the Newark Reservoir on November 21. The inspection is completed by our Dam Engineer, Schnabel Engineering, along with a representative of the Delaware Dam Safety Program due to its classification as a High Hazard Dam. The inspection identifies any deficiencies in the maintenance and operations with a report generated with recommendations for maintenance items. The Reservoir remains in compliance with the Delaware Dam Safety Program Regulations.

## Police

1. On November 28<sup>th</sup>, Lt. D'Elia attended the University of Delaware Criminal Justice Club monthly meeting. Lt. D'Elia participated in a productive discussion of modern-day law enforcement as well as police opportunities available at the Newark Police Department. The meeting was well attended.
2. On November 28<sup>th</sup>, Deputy Chief Feeney and Lt. Rubin attended the City's Diversity, Equity, and Inclusion Committee meeting where they discussed NPD training including Implicit Bias Training, our recruitment process, and our community engagement.
3. On Thursday, November 30<sup>th</sup>, Recruit Alicia Smith was sworn in as NPD's newest police officer. Officer Smith was a certified officer from Pennsylvania who recently completed her Delaware police training and testing. The next phase of her training will involve an intensive field training program.
4. On Friday, December 1<sup>st</sup>, NPD Officers will participate in the Special Olympics Reindeer Run. The City's Winterfest event on East Main Street has been postponed to Saturday, December 2<sup>nd</sup>.
5. Newark PD have launched their annual "Presents with Police" toy collection and distribution event in partnership with the Newark PAL and Newark Parks and Recreation. The Presents with Police Program works with area schools and community groups to identify families who could use additional assistance this holiday season. Families needing assistance can also register through the City of Newark Parks and Recreation Department at [www.newarkde.gov/play](http://www.newarkde.gov/play) and then select the blue "register today" button. The toy collection event will culminate with a toy distribution on East Main Street on Friday, December 15<sup>th</sup> from 6 to 8pm where the toys will be distributed to those who have registered. Those wishing to donate toys can do so by dropping new, unwrapped toys in the collection bin in the lobby of city hall until December 14<sup>th</sup>.



## Planning and Development

1. Land Use
  - a. Staff finalized and posted the [agenda and packet](#) for the December 5 Planning Commission meeting on November 28. Topics include the 2024 Planning Commission Work Plan, an amendment to Chapter 27 to make the definition of downtown

consistent, amendments to Chapter 32 to consolidate the definitions of restaurants, and an initial discussion on potential zoning regulations related to recreational marijuana legalization.

- b. Staff issued a [Subdivision Advisory Committee comment letter](#) for the rezoning, minor subdivision, and special use permits for the proposed convenience store, gas pumps and car wash located at 1110 South College Avenue on November 22.
- c. Staff issued a [Subdivision Advisory Committee comment letter](#) for the administrative subdivision located at 401 Phillips Avenue on November 22.
- d. The [minor subdivision and special use permit](#) for the proposed convenience store with gas pumps located at 1115 South College Avenue scheduled for the November 27 Council meeting was postponed to the January 22, 2024 Council meeting.

## 2. Code Enforcement

- a. Director Bensley and Code Enforcement Manager DeBenedictis attended the Newark Landlords Association on November 27 and presented information on the nuisance property ordinance, proposed changes to the rental license ordinance and fees, the 2021 IPMC update, changes to rental ordinance, and incoming lead testing requirements for rental units. A copy of the presentation is attached.
- b. Code Enforcement and Planning staff participated in Tyler Enterprise Permitting and Licensing implementation on November 28, 29 and 30. Planning has finished documenting the majority of the Land Use Division's review processes and anticipates finishing those with one additional half day session next week. Code Enforcement continues to work through the Division's permit and licensing processes. Implementation training is set to continue December 5-7 and December 12-14 before breaking for two weeks for the holidays.
- c. Staff received complaints regarding a mouse infestation at Building 3000 in Fountainview. After inspections, follow up was conducted with the contractor to ensure appropriate pest management actions were taking place.
- d. The Division currently is [accepting applications](#) for Code Enforcement Officer through December 15 and Property Maintenance Inspector I through December 22. One Property Maintenance Inspector and up to three Code Enforcement Officers potentially will be hired from these postings.

## 3. Parking

- a. Due to issues with our banking system, payments via the Passport app were down for a portion of the day on November 30. Non-payment citations were not issued during the time the app was not operational.
- b. Two of the three LPR vehicles currently are being repaired – one due to communication issues with the LPR system itself and one with mechanical issues for the vehicle.
- c. The Parking team participated in verbal de-escalation training this week, which was offered by DFIT, the City's workers compensation vendor. As there are many new parking ambassadors that have been hired in 2023, this is an important training to ensure that the City's employees have the tools to deal with incidents they may encounter in the field.

# Code Enforcement Update

Newark Landlords Association Meeting

November 27, 2023

# Agenda

- ▶ Nuisance Property Ordinance
- ▶ 2021 International Property Maintenance Code Update
- ▶ Senate Bill 9 – Required Lead Paint Testing in Rental Units

# Nuisance Property Ordinance

- ▶ Adopted by City Council on November 14, 2022
- ▶ Fines between \$1,000 and \$7,500 on top of existing citations against the property
- ▶ Nuisance property citation is issued when property accrues:
  - ▶ 8 points within 12 months
  - ▶ 18 points within 36 months
- ▶ Warning letter is issued when property accrues 5 points with information on applying for approval of a nuisance abatement plan
- ▶ Points are based on number of times citations are issued, not number of individual violations
  - ▶ One inspection generating five violations = 1 point

# Nuisance Abatement Plan

- ▶ A successful nuisance abatement plan is the off ramp for the nuisance property ordinance.
- ▶ \$200 application fee and completed nuisance abatement plan form to be filed with City Secretary.
- ▶ Must be filed prior to reaching 8 points.
- ▶ Should outline how issues that generated the original citations are being proactively addressed.
- ▶ Plans are individualized based on the types of citations received.
- ▶ Plans can go to Council in two ways
  - ▶ Sponsored by Mayor or district Councilperson putting it on the Council consent agenda.
  - ▶ Un-sponsored places it as a regular agenda item for Council with a full public hearing.
- ▶ Once approved, points that are abated by Council are removed from the property's record for both the 12-month and 36-month look backs.



# How Have Nuisance Abatement Plans Worked?

- ▶ Two nuisance abatement plans have been filed and have gone to Council
  - ▶ 87 Kells Avenue (4 points)
    - ▶ <https://newarkde.gov/DocumentCenter/View/17571/2B?bidId=>
  - ▶ 163 West Main Street (5 points)
    - ▶ <https://newarkde.gov/DocumentCenter/View/17761/3C?bidId=>
- ▶ Both plans were sponsored and on the consent agenda
- ▶ Both plans were approved by Council unanimously
  - ▶ 163 West Main Street received an additional point between their application and Council hearing – the original 5 points were removed by Council, but the new point remains on their record as Council did not take any action to remove it.

# Properties in nuisance status (8+ points) as of 11/13

- ▶ 28 Center Street – 9 points
- ▶ 41 North Chapel Street – 10 points
- ▶ 37 Choate Street – 8 points
- ▶ 420 South College Avenue – 9 points
- ▶ 201 Courtney Street – 9 points
- ▶ 17 Hillside Road – 16 points
- ▶ 1 Holton Place – 11 points
- ▶ 232 Kells Avenue – 9 points
- ▶ 735 Wollaston Avenue – 9 points

# Properties in warning status (5-7 points) as of 11/13

- ▶ 714 Academy Street – 6 points
- ▶ 728 Academy Street – 5 points
- ▶ 3 Annabelle Street – 7 points
- ▶ 25 Benny Street – 6 points
- ▶ 46 Benny Street – 7 points
- ▶ 45 North Chapel Street – 6 points
- ▶ 15 Choate Street – 6 points
- ▶ 22 Choate Street – 7 points
- ▶ 24 Choate Street – 7 points
- ▶ 42 Choate Street – 5 points
- ▶ 17 East Cleveland Avenue – 5 points
- ▶ 113 East Cleveland Avenue – 5 points
- ▶ 117 East Cleveland Avenue – 5 points
- ▶ 392 South College Avenue – 5 points
- ▶ 404 South College Avenue – 5 points
- ▶ 414 South College Avenue – 6 points
- ▶ 23 Hayden Way – 5 points
- ▶ 36 O’Daniel Avenue – 7 points
- ▶ 51 East Park Place – 5 points
- ▶ 82 East Park Place – 6 points
- ▶ 85 East Park Place – 6 points
- ▶ 98 East Park Place – 7 points
- ▶ 111 East Park Place – 7 points
- ▶ 115 East Park Place – 7 points
- ▶ 275 Peach Road – 5 points
- ▶ 12 Prospect Avenue – 6 points
- ▶ 14 Prospect Avenue – 5 points

# 2021 IPMC Updates

- ▶ Bill 23-23 – First reading 11/27; Second reading 12/11
  - ▶ Implementing direction from 7/17 Council meeting (minutes: <https://newarkde.gov/ArchiveCenter/ViewFile/Item/7752>)
    - ▶ Restructuring rental license fees to be designated by construction type instead of number of units.
    - ▶ Changing the late fee structure to mirror the general late fee penalty instead of the current \$50.
    - ▶ Changes the inspection requirements for rental licenses to require exterior inspections and common area inspections where applicable for all rental properties annually and outlines the requirements for City code officials to offer opportunities and education for interior inspections.
    - ▶ Changes the caretaker requirement to an emergency contact requirement for rental licenses.
    - ▶ Adds Unruly Social Gathering as an offense that the City is required to notify a landlord if a renter is charged at the rental property.
    - ▶ Removes rental licenses and related inspections from Chapter 17 and places them in Chapter 13.

# 2021 IPMC Updates - Continued

- ▶ Bill 23-23 – First reading 11/27; Second reading 12/11
  - ▶ Increasing rental license fees for the first time since January 2010 to the following levels:
    - ▶ \$220 per dwelling unit for single family or two-family dwellings
    - ▶ \$150 per dwelling unit for townhouse-style apartments and condominium dwellings
    - ▶ \$80 per dwelling unit for multifamily dwellings in buildings with three or more dwelling units
    - ▶ \$45 per occupant for fraternities, sororities, and boarding houses
  - ▶ Indexes future automatic increases to rental license fees to inflation unless Council passes a resolution to waive or increase the fee adjustment (Inflation from January 2010 through October 2023 = 42%).

# 2021 IPMC Updates - Continued

- ▶ Adoption of the 2021 IPMC
  - ▶ Final bill targeted for Council after the holiday/special election break
  - ▶ Current draft with Planning and Development Director for review
  - ▶ Intent is to schedule meeting in late December/early January with NLA leadership prior to first reading

# Senate Bill 9 – Required Lead Paint Testing in Rental Units

- ▶ <https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocumentEngrossment?engrossmentId=25829&docTypeId=6>
- ▶ “Not later than January 1, 2024, the Childhood Lead Poisoning Prevention Advisory Committee shall recommend to the Governor and General Assembly a plan for a statutory requirement that all rental properties built before January 1, 1978, be screened for the presence of lead based paint hazards, as defined at 40 C.F.R. § 745.65, before the rental properties are made available to a new tenant, and at least once before January 1, 2026, even if the rental properties are not made available to a new tenant, and that all lead based paint hazards are abated or remediated promptly on discovery.”
- ▶ Childhood Lead Poisoning Prevention Advisory Committee currently drafting plan proposal
  - ▶ Next meeting is November 29 at 3:30 p.m.
  - ▶ Zoom link: <https://zoom.us/j/97935387307?pwd=UzZieFFBVnpweVN0ck8yYWtFTVUwUT09>

# Senate Bill 9 - Continued

- ▶ Estimated 1,200+ single family units and 2,000+ multi-family units encompassed in this requirement.
- ▶ Estimate does not include homes that may have boarders but are not required to have rental licenses.
- ▶ Public comments offered by the City during regulatory drafting process
  - ▶ Third party inspectors should be permitted to avoid Fourth Amendment violation arguments
  - ▶ Inspection workforce may not be large enough to meet aggressive timelines
  - ▶ With large numbers of simultaneous yearly rental turnovers, Newark will have difficulty meeting inspection requirements if implementation is prior to July 1, 2024
  - ▶ Landlord-Tenant Code amendments will be needed if municipal inspectors are required to do the inspections
  - ▶ Training for lead inspection certification not available in Delaware, so inspectors would need to go out of state to be trained and certified



# Contact Information

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Questions?