

120 E. Pomelo Street
Lake Alfred, FL 33850



Ph.: (863) 291-5748
Fax: (863) 298-5403

AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING
COMMISSION CHAMBERS, CITY HALL
February 18, 2016
3:00 P.M.

CALL TO ORDER: Magistrate Heather Christman

SWEAR IN: Magistrate Heather Christman

APPROVAL OF MINUTES: November 19, 2015

NEW CASES

Case no.: 15 12 230 / Jacinto Navarro / 340 W Pierce St.

Case no.: 15 12 237 / Hubert Conner Estate / 380 W Davis Ave.

Case no.: 16 01 007 / Bethany Singletary / 650 E Thelma St.

Case no.: 15 09 206 / ~~Elite Land Solutions LLC / 0 US HWY 17-92~~ Closed

Minutes
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING
COMMISSION CHAMBERS, CITY HALL
November 19, 2015
3:00 P.M.

CALL TO ORDER: Magistrate Heather Christman

SWEAR IN: Magistrate Heather Christman

APPROVAL OF MINUTES: September 17, 2015

NEW CASES

Case no.: 15 09 187 / Sally Laurell / 0 Mackay Ave.

No one was in attendance.

Code Enforcement Officer Danny Clewis stated that the property is over grown, but someone has started cleaning it up. He recommends giving the owner ten (10) days to complete the clean-up or a \$50 per day fine. **Magistrate Christman** entered the Finding of Fact Conclusion of Law and Order, the property is in violation of the sited sections. The property owner has ten (10) days to bring the property into compliance or a \$50 per day fine will be imposed. Certification Hearing was set for December 17, 2015.

Case no.: 15 10219 / Realty Connexion / 0 Lake Swoope Dr.

No one was in attendance.

This is a vacant lot that is over grown. It has been cited several times the last time was October 22, 2015.

Owners are in Broward County and they wait as long as they can before correcting their property.

Officer Clewis recommends giving the owners five (5) days to comply or a \$100 per day fine.

Magistrate Christman entered the Finding of Fact Conclusion of Law and Order, the property is in violation of the sited sections. The property owner has five (5) days to bring the property into compliance or a \$100 per day fine will be imposed. Certification Hearing was set for December 17, 2015.

Case no.: 15 10 220 / Tax Ease Florida REO LLC / 0 Tangerine Ave.

No one was in attendance

This is a vacant lot that is over grown. It has been cited several times the last time was October 22, 2015.

Owners are in Broward County and they wait as long as they can before correcting their property.

Officer Clewis recommends giving the owners five (5) days to comply or a \$100 per day fine.

Magistrate Christman entered the Finding of Fact Conclusion of Law and Order, the property is in violation of the sited sections. The property owner has five (5) days to bring the property into compliance or a \$100 per day fine will be imposed. Certification Hearing was set for December 17, 2015.

Case no.: 15 08 172 / Bulmaro Delacruz / 285 E Pierce St.

No one was in attendance

Officer Clewis stated this is a vacant house, overgrown yard, owner responded that the house was in foreclosure, they had moved to Texas and they were not going to do anything else with the house. Based on the reaction from the owners the city mowed the property.

Magistrate Christman entered the Finding of Fact Conclusion of Law and Order, the property is in violation of the sited sections. The property violation has been corrected by the city and the cost of the abatement \$120 will be imposed. Future offences of the same will be treated as repeat violations.

Case no.: 15 09 186 / Mollie White / 630 E Thelma St.
No one was in attendance.

Officer Clewis stated this property was cited June 22, 2015, overgrown yard, the owner is deceased the survivors do not want anything to do with the house. Due to lack of response the city has mowed the property twice. **Magistrate Christman** entered the Finding of Fact Conclusion of Law and Order, the property is in violation of the sited sections. The property violation has been corrected by the city and the cost of the abatement at \$200 and \$200 for admin cost will be imposed. Future offences of the same will be treated as repeat violations.

REQUEST FOR DEMOLITION

Case no.: 15 09 202 / Estate of Betty Welch Conner / 1135 S Nekoma St.
No one was in attendance.

Officer Clewis referred to photos to show the deterioration of the property.
Magistrate Christman stated that based on the evidence she will enter an order to initiate the demolition process, and to impose any reasonable cost incurred as a lien against the property. Certification Hearing was set for December 17, 2015.

Case no.: 15 09 203 / Betty T Conner / 390 W Davis Ave.
No one was in attendance.

Officer Clewis referred to photos to show the deterioration of the property.
Magistrate Christman stated that based on the evidence she will enter an order to initiate the demolition process, and to impose any reasonable cost incurred as a lien against the property. Certification Hearing was set for December 17, 2015.

Case no.: 15 09 200 / Orlando Realty / 610 N Buena Vista Dr.
No one was in attendance.

Officer Clewis referred to photos to show the deterioration of the property. Rehab of this house has been going on for three years. Fines on this property have accumulated to \$81,000. The owner has moved with no forwarding address. **Magistrate Christman** stated that based on the evidence she will enter an order to initiate the demolition process, and to impose any reasonable cost incurred as a lien against the property. Certification Hearing was set for December 17, 2015.

Case no.: 15 09 201 / Terry Franklin / 625 E Grapefruit Ave.
No one was in attendance.

Officer Clewis referred to photos to show the deterioration of the property. There was a fire, the owner asked and received a permit to rebuild the home. Nothing was done to the property. The city had to board it up and maintain it. There are fines and liens for abatement in excess of \$12,000.

Magistrate Christman stated that based on the evidence she will enter an order to initiate the demolition process, and to impose any reasonable cost incurred as a lien against the property. Certification Hearing was set for December 17, 2015.

Magistrate Christman asked if there were any other business. There was none.

Hearing was adjourned at 3:25

Respectfully submitted,

Mamie Drane

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING
February 18, 2016

Agenda Item 1

Case no.: 15 12 230 / Jacinto Navarro / 640 W Pierce St

ATTACHMENTS:

- Notice of Hearing with Certified Mail Receipt
- Notice to Correct Violation
- Photographs
- Applicable Code Excerpt

CITY OF LAKE ALFRED, FLORIDA

City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL 33850



Phone: (863) 291-5748
Fax: (863) 298-5403
www.mylakealfred.com

Community Development

Building | Code Enforcement | Planning | Zoning

CODE ENFORCEMENT SPECIAL MAGISTRATE

DATE: February 3, 2016

CASE NO.: 15 12 230

CITY OF LAKE ALFRED

VS.

Jacinto Navarro
340 W Pierce St.
Lake Alfred, FL 33850

RE: 340 W PIERCE ST.
LAKE ALFRED, FL 33850
PARCEL ID 262732 513200 000020

NOTICE OF HEARING

You are hereby notified that on Thursday, February 18, 2016, a Code Enforcement Special Magistrate hearing shall be held in Commission Chambers at City Hall of Lake Alfred, Florida, in accordance with Article III of the Code of Ordinances of the City of Lake Alfred to determine whether you have violated one or more provisions of the Code of Ordinances and/or of the Unified Land Development Code of the City of Lake Alfred.

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Magistrate upon proper request to the Code Enforcement Office within five (5) business days at (863) 291-5743.

You are requested to appear before the Special Magistrate at that time to answer and defend allegations that you have violated the cited ordinances of the City of Lake Alfred.

If you fail to attend, the Special Magistrate may base its findings and act solely on the presentation made by the City.

If the Special Magistrate finds that you have committed any violation(s) it may order immediate compliance with the Code(s) and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed **NOT TO EXCEED \$250.00** per day for a first violation and **NOT TO EXCEED \$500.00** per day for a repeat violation for the period of non-compliance.

Please be advised that the case may be presented to the Code Enforcement Special Magistrate even if the violation has been corrected prior to the scheduled hearing if: (1) the violation was not corrected by the time previously specified by the Code Inspector, or; (2) the violation has been corrected then recurred.

If any decision of the Code Enforcement Special Magistrate affects you and you decide to appeal any decision made at this meeting with respect any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

(STATE LAW REQUIRES THE ABOVE NOTICE. ANYONE DESIRING A VERBATIM TRANSCRIPT SHALL HAVE THE RESPONSIBILITY AT HIS/HER OWN COST TO ARRANGE FOR THE TRANSCRIPT.)

Please be advised that the procedures of the Hearing are governed by Section 2-281, Chapter 2, Article VI of the City of Lake Alfred. Copies of these procedures may be obtained at the Code Enforcement Office, City of Lake Alfred.

Signed this 3rd day of February 2016.

This Notice Sent by:
(Circle method of Notice)

Certified Mail
First Class Mail

Article No.: 7013 3020 0002 3065 8918

Mamie Drane

Recording Secretary

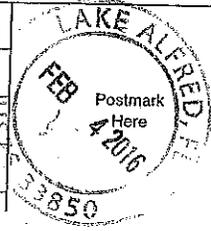
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

7013 3020 0002 3065 8918

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



Sent To
 Street, or P.O. E
 City, St.

Jacinto Navarro
 340 W Pierce St.
 Lake Alfred, FL 33850

**City of Lake Alfred
Notice to Correct Code Violation**

Date Issued 12/09/15

Case Number 15-12-230

Property Address 340 W Pierce St Lake Alfred Fl

Parcel ID # 262732513200000020

Property Owner Jacinto Navarro

Mailing Address same

	Violations Observed	Time Period to Correct Violation
<input type="checkbox"/>	Overgrown Yard/Lot <i>(Section 302.4 Property Maintenance Code)</i>	
<input type="checkbox"/>	Trash/Debris/Storage of Materials <i>(Sections 302.1, 308.1 Property Maintenance Code)</i>	
<input type="checkbox"/>	Abandoned/Derelict Vehicle <i>(Section 302.8 Property Maintenance Code)</i>	
<input checked="" type="checkbox"/>	Unsafe Structure <i>(Section 108 Property Maintenance Code)</i>	
<input checked="" type="checkbox"/>	Work Without Building Permit <i>(Section 14-22 Code of Ordinances)</i>	10 days
<input type="checkbox"/>	Other: Carport	

Photographs Attached Yes No

Method of Delivery

First Class Mail

Hand Delivery

Certified Mail

Posted on Property

Warning Previously Issued Yes No

Repeat Offense Yes No

NOTICE – PLEASE READ

You have been issued a Notice to Correct Code Violation by the City of Lake Alfred. You have been given a reasonable amount of time to correct the violation. It is **YOUR RESPONSIBILITY TO REQUEST AN INSPECTION OF THE CORRECTION.** If you fail to correct the violation within the provided time period and request an inspection, the matter will be referred to the Special Magistrate for a hearing which could result in a daily fine. If you are unsure of any requirements necessary to correct the violation or have other concerns, please contact the Lake Alfred Community Development Department between the hours of 8:00 am to 12:00 noon Monday through Friday at 863-291-5748, or visit our office at 120 E. Pomelo Street, Lake Alfred, FL 33850 or email at Dclewis@mylakealfred.com.





**SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT**

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous.

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in Chapter 553, Florida Statutes, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason,

- is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
 8. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.
 10. Any building or structure, because of lack of sufficient or proper fire-resistance related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
 11. Any portion of a building remaining on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.



*Code Enforcement Special Magistrate
City of Lake Alfred, Florida
120 E Pomelo Street
Lake Alfred, FL 33850
863-291-5748*

CITY OF LAKE ALFRED, a Florida municipal corporation,

Petitioner

v.

Jacinto Navarro
340 W Pierce St.
Lake Alfred, FL 33850

Respondent

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came on for public hearing on February 18, 2016, before the Special Magistrate after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument thereupon, issues this "Findings of Fact, Conclusions of Law and Order" pursuant to §§162.07(4) and 162.08(5), Florida Statutes.

Violation Address: 340 W PIERCE ST
Lake Alfred, Florida 33850

Parcel ID No.: 262732 513200 000020

FINDINGS OF FACT

On or about December 09, 2015 there existed at or on the above described property, the following conditions in violation of the Code of Ordinances of the City of Lake Alfred, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of §162.06(4), Florida Statutes.

City Ordinance

Section 108 Property Maintenance Code
Section 14-22 Code of Ordinances

Violation

Unsafe Structure
Working without a Building Permit

The real property is located an existing within the corporate limits of the City of Lake Alfred. Respondent(s) as owner(s) of the captioned real property are responsible for maintaining the same, in accordance with the Code of Ordinances of the City of Lake Alfred. All required notices pursuant to §162.12, Florida Statutes.

CONCLUSIONS OF LAW

The Magistrate has jurisdiction over the Respondent(s) and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to §2-278 of the Code of Ordinances of the City of Lake Alfred.

The above stated facts constitute a violation of the specific section(s) of the City Code cited in herein.

The violator _____ did/ did not appear for the hearing.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and upon consideration of a) the gravity of the violation, b) any actions taken by the violator to correct the violation, and c) previous violations committed by violator, it is hereby ORDERED that:

Respondent(s) shall have until February 29, 2016 for a total compliance or a \$ 50 per day fine may be imposed.

_____ The City of Lake Alfred is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Florida Statutes, but shall not be required to do so. If abatement occurs, the City of Lake Alfred may assess all costs incurred against the Respondent(s), in addition to any fine or costs imposed herein.

_____ The City of Lake Alfred is hereby authorized to initiate the demolition process in accordance with §162.08(5), Florida Statutes, and assess all costs incurred against the Respondent(s), in addition to any fine or costs imposed herein.

_____ Respondent(s) has been found in violation as a repeat offender. A fine of \$ _____ per day fine shall continue until the property is brought into compliance.

_____ Other: _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU.

If the respondent(s) do not comply within the time specified, an Order Imposing Fine/Administration Lien shall be recorded in the public records of the Clerk of Circuit Court in and for Polk County, and once recorded shall constitute a lien against any and all personal or real property which the violator(s) may own pursuant to §162.09(3), Florida Statutes.

The Code Enforcement Officer is not required to give an offender(s) time to correct a repeat violation(s) and the Special Magistrate may impose a fine of up to \$500 per day for the repeat violation(s) starting from the date the violation(s) is found by the Code Enforcement Officer.

The respondent(s) shall notify the Code Enforcement Officer upon compliance for verification of the same.

Should a dispute arise concerning compliance, either party may request further hearing before the Special Magistrate.

A Hearing is hereby scheduled for 3:00pm on March 17, 2016 at Lake Alfred City Hall, 120 East Pomelo Street, Lake Alfred, FL 33850 to consider entry of an order imposing fine and lien.

DONE AND ORDERED on this 18th day of February 2016



Heather R. Christman
City of Lake Alfred Special Magistrate

ATTEST:

Mamie Drane
Clerk to the Special Magistrate

This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to §162.11, Florida Statutes, by filing a timely Notice of Appeal with the Clerk of Courts and complying with any and all applicable court rules of procedure.

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING
February 18, 2016

Agenda Item 2

Case no.: 15 12 237/ Hubert Conner Estate / 380 W Davis Ave

\ATTACHMENTS:

- Notice of Hearing with Certified Mail Receipt
- Notice to Correct Violation
- Photographs
- Applicable Code Excerpt

CITY OF LAKE ALFRED, FLORIDA

City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL 33850



Phone: (863) 291-5748
Fax: (863) 298-5403
www.mylakealfred.com

Community Development

Building | Code Enforcement | Planning | Zoning

CODE ENFORCEMENT SPECIAL MAGISTRATE

DATE: February 3, 2016

CASE NO.: 15 12 237

CITY OF LAKE ALFRED

VS.

Hubert Conner Estate
380 W Davis Ave
Lake Alfred, FL 33850

RE: 380 W DAVIS AVE,
LAKE ALFRED, FL 33850
PARCEL ID 262805 524000 000910

NOTICE OF HEARING

You are hereby notified that on Thursday, February 18, 2016, a Code Enforcement Special Magistrate hearing shall be held in Commission Chambers at City Hall of Lake Alfred, Florida, in accordance with Article III of the Code of Ordinances of the City of Lake Alfred to determine whether you have violated one or more provisions of the Code of Ordinances and/or of the Unified Land Development Code of the City of Lake Alfred.

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Magistrate upon proper request to the Code Enforcement Office within five (5) business days at (863) 291-5743.

You are requested to appear before the Special Magistrate at that time to answer and defend allegations that you have violated the cited ordinances of the City of Lake Alfred.

If you fail to attend, the Special Magistrate may base its findings and act solely on the presentation made by the City.

If the Special Magistrate finds that you have committed any violation(s) it may order immediate compliance with the Code(s) and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed **NOT TO EXCEED \$250.00** per day for a first violation and **NOT TO EXCEED \$500.00** per day for a repeat violation for the period of non-compliance.

Please be advised that the case may be presented to the Code Enforcement Special Magistrate even if the violation has been corrected prior to the scheduled hearing if: (1) the violation was not corrected by the time previously specified by the Code Inspector, or; (2) the violation has been corrected then recurred.

If any decision of the Code Enforcement Special Magistrate affects you and you decide to appeal any decision made at this meeting with respect any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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Please be advised that the procedures of the Hearing are governed by Section 2-281, Chapter 2, Article VI of the City of Lake Alfred. Copies of these procedures may be obtained at the Code Enforcement Office, City of Lake Alfred.

Signed this 3rd day of February 2016.

This Notice Sent by:
(Circle method of Notice)

Certified Mail

Article No.: 7013 3020 0002 3065 8895

First Class Mail

Mamie Drane

Recording Secretary

**City of Lake Alfred
Notice to Correct Code Violation**

Date Issued 12/30/15

Case Number 15-12-237

Property Address 380 W Davis Ave Lake Alfred Fl

Parcel ID # 262805524000000910

Property Owner Hubert Conner Estate

Mailing Address same

	Violations Observed	Time Period to Correct Violation
<input checked="" type="checkbox"/>	Overgrown Yard/Lot <i>(Section 302.4 Property Maintenance Code)</i>	5 days
<input checked="" type="checkbox"/>	Trash/Debris/Storage of Materials <i>(Sections 302.1, 308.1 Property Maintenance Code)</i>	5 days
<input checked="" type="checkbox"/>	Abandoned/Derelict Vehicle <i>(Section 302.8 Property Maintenance Code)</i>	5 days
<input checked="" type="checkbox"/>	Unsafe Structure <i>(Section 108 Property Maintenance Code)</i>	5 days
<input type="checkbox"/>	Work Without Building Permit <i>(Section 14-22 Code of Ordinances)</i>	
<input type="checkbox"/>	Other:	

Photographs Attached Yes No

Method of Delivery
 First Class Mail
 Hand Delivery

Certified Mail
 Posted on Property

Warning Previously Issued Yes No

Repeat Offense Yes No

NOTICE – PLEASE READ

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380 DAVIS AVE
POSTED 11/24
5 DAYS
15-11-228



**SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT**

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108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

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2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason,

- is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
 8. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.
 10. Any building or structure, because of lack of sufficient or proper fire-resistance related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
 11. Any portion of a building remaining on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**SECTION 302
EXTERIOR PROPERTY AREAS**

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

**SECTION 302
EXTERIOR PROPERTY AREAS**

302.4 Weeds and overgrowth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the Code Official; provided further however that all noxious weeds shall be prohibited.

**SECTION 302
EXTERIOR PROPERTY AREAS**

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

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five (5) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material rubbish or similar items.

**SECTION 308
RUBBISH AND GARBAGE**

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.



*Code Enforcement Special Magistrate
City of Lake Alfred, Florida
120 E Pomelo Street
Lake Alfred, FL 33850
863-291-5748*

CITY OF LAKE ALFRED, a Florida municipal corporation,

Petitioner

v.

Hubert Conner Estate
380 W Davis Ave
Lake Alfred, FL 33850

Respondent

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came on for public hearing on February 18, 2016, before the Special Magistrate after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument thereupon, issues this "Findings of Fact, Conclusions of Law and Order" pursuant to §§162.07(4) and 162.08(5), Florida Statutes.

Violation Address: 380 W DAVIS AVE,
Lake Alfred, Florida 33850

Parcel ID No.: 262805 524000 000910

FINDINGS OF FACT

On or about December 30, 2015 there existed at or on the above described property, the following conditions in violation of the Code of Ordinances of the City of Lake Alfred, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of §162.06(4), Florida Statutes.

City Ordinance

Section 108 Property Maintenance Code
Section 302.4 Property Maintenance Code
Section 302.1, 308.1 Property Maintenance Code
Section 302.8 Property Maintenance Code

Violation

Unsafe Structure
Overgrown Yard
Trash/Debris/Storage of Materials
Abandoned/Derelict Vehicle

The real property is located an existing within the corporate limits of the City of Lake Alfred. Respondent(s) as owner(s) of the captioned real property are responsible for maintaining the same, in accordance with the Code of Ordinances of the City of Lake Alfred. All required notices pursuant to §162.12, Florida Statutes.

CONCLUSIONS OF LAW

The Magistrate has jurisdiction over the Respondent(s) and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to §2-278 of the Code of Ordinances of the City of Lake Alfred.

The above stated facts constitute a violation of the specific section(s) of the City Code cited in herein.

The violator _____ did/ _____ did not appear for the hearing.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and upon consideration of a) the gravity of the violation, b) any actions taken by the violator to correct the violation, and c) previous violations committed by violator, it is hereby ORDERED that:

✓ Respondent(s) shall have until Feb 29, 2016 for a total compliance or a \$ 250 per day fine may be imposed.

_____ The City of Lake Alfred is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Florida Statutes, but shall not be required to do so. If abatement occurs, the City of Lake Alfred may assess all costs incurred against the Respondent(s), in addition to any fine or costs imposed herein.

_____ The City of Lake Alfred is hereby authorized to initiate the demolition process in accordance with §162.08(5), Florida Statutes, and assess all costs incurred against the Respondent(s), in addition to any fine or costs imposed herein.

_____ Respondent(s) has been found in violation as a repeat offender. A fine of \$ _____ per day fine shall continue until the property is brought into compliance.

Other: _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU.

If the respondent(s) do not comply within the time specified, an Order Imposing Fine/Administration Lien shall be recorded in the public records of the Clerk of Circuit Court in and for Polk County, and once recorded shall constitute a lien against any and all personal or real property which the violator(s) may own pursuant to §162.09(3), Florida Statutes.

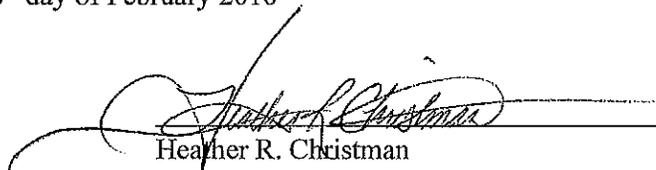
The Code Enforcement Officer is not required to give an offender(s) time to correct a repeat violation(s) and the Special Magistrate may impose a fine of up to \$500 per day for the repeat violation(s) starting from the date the violation(s) is found by the Code Enforcement Officer.

The respondent(s) shall notify the Code Enforcement Officer upon compliance for verification of the same.

Should a dispute arise concerning compliance, either party may request further hearing before the Special Magistrate.

A Hearing is hereby scheduled for 3:00pm on March 17, 2016 at Lake Alfred City Hall, 120 East Pomelo Street, Lake Alfred, FL 33850 to consider entry of an order imposing fine and lien.

DONE AND ORDERED on this 18th day of February 2016


Heather R. Christman
City of Lake Alfred Special Magistrate

ATTEST:

Mamie Drane
Clerk to the Special Magistrate

This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to §162.11, Florida Statutes, by filing a timely Notice of Appeal with the Clerk of Courts and complying with any and all applicable court rules of procedure.

CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING
February 18, 2016

Agenda Item 3

Case no.: 16 01 007/ Bethany Singletary/ 650 E Thelma St.

ATTACHMENTS:

- Notice of Hearing with Certified Mail Receipt
- Notice to Correct Violation
- Photographs
- Applicable Code Excerpt

CITY OF LAKE ALFRED, FLORIDA

City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL 33850



Phone: (863) 291-5748
Fax: (863) 298-5403
www.mylakealfred.com

Community Development

Building | Code Enforcement | Planning | Zoning

CODE ENFORCEMENT SPECIAL MAGISTRATE

DATE: February 3, 2016

CASE NO.: 16 01 007

CITY OF LAKE ALFRED

VS.

Bethany Singletary
650 E Thelma St.
Lake Alfred, FL 33850

RE: 650 E Thelma St.
LAKE ALFRED, FL 33850
PARCEL ID 262733 514600 000430

NOTICE OF HEARING

You are hereby notified that on Thursday, February 18, 2016, a Code Enforcement Special Magistrate hearing shall be held in Commission Chambers at City Hall of Lake Alfred, Florida, in accordance with Article III of the Code of Ordinances of the City of Lake Alfred to determine whether you have violated one or more provisions of the Code of Ordinances and/or of the Unified Land Development Code of the City of Lake Alfred.

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Magistrate upon proper request to the Code Enforcement Office within five (5) business days at (863) 291-5743.

You are requested to appear before the Special Magistrate at that time to answer and defend allegations that you have violated the cited ordinances of the City of Lake Alfred.

If you fail to attend, the Special Magistrate may base its findings and act solely on the presentation made by the City.

If the Special Magistrate finds that you have committed any violation(s) it may order immediate compliance with the Code(s) and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed **NOT TO EXCEED \$250.00** per day for a first violation and **NOT TO EXCEED \$500.00** per day for a repeat violation for the period of non-compliance.

Please be advised that the case may be presented to the Code Enforcement Special Magistrate even if the violation has been corrected prior to the scheduled hearing if: (1) the violation was not corrected by the time previously specified by the Code Inspector, or; (2) the violation has been corrected then recurred.

If any decision of the Code Enforcement Special Magistrate affects you and you decide to appeal any decision made at this meeting with respect any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

(STATE LAW REQUIRES THE ABOVE NOTICE. ANYONE DESIRING A VERBATIM TRANSCRIPT SHALL HAVE THE RESPONSIBILITY AT HIS/HER OWN COST TO ARRANGE FOR THE TRANSCRIPT.)

Please be advised that the procedures of the Hearing are governed by Section 2-281, Chapter 2, Article VI of the City of Lake Alfred. Copies of these procedures may be obtained at the Code Enforcement Office, City of Lake Alfred.

Signed this 3rd day of February 2016.

This Notice Sent by:
(Circle method of Notice)

Certified Mail

Article No.: 7013 3020 0002 3065 8901

First Class Mail

Mamie Drane

Recording Secretary

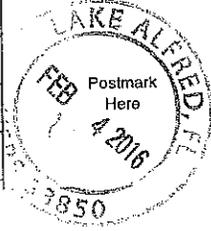
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

7013 3020 0002 3065 8901
7069 5906 2000 0200

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



Sent To
Bethany Singletary
650 E Thelma St.
Lake Alfred, FL 33850

**City of Lake Alfred
Notice to Correct Code Violation**

Date Issued 1/08/16

Case Number 16-01-007

Property Address 650 E Thelma St Lake Alfred Fl

Parcel ID # 262733514600000430

Property Owner Bethany Singletary

Mailing Address sme

	Violations Observed	Time Period to Correct Violation
<input type="checkbox"/>	Overgrown Yard/Lot <i>(Section 302.4 Property Maintenance Code)</i>	
<input type="checkbox"/>	Trash/Debris/Storage of Materials <i>(Sections 302.1, 308.1 Property Maintenance Code)</i>	
<input checked="" type="checkbox"/>	Abandoned/Derelict Vehicle <i>(Section 302.8 Property Maintenance Code)</i>	10 days
<input type="checkbox"/>	Unsafe Structure <i>(Section 108 Property Maintenance Code)</i>	
<input type="checkbox"/>	Work Without Building Permit <i>(Section 14-22 Code of Ordinances)</i>	
<input type="checkbox"/>	Other:	

Photographs Attached Yes No

Method of Delivery
 First Class Mail
 Hand Delivery

Certified Mail
 Posted on Property

Warning Previously Issued Yes No

Repeat Offense Yes No

NOTICE – PLEASE READ

You have been issued a Notice to Correct Code Violation by the City of Lake Alfred. You have been given a reasonable amount of time to correct the violation. It is **YOUR RESPONSIBILITY TO REQUEST AN INSPECTION OF THE CORRECTION.** If you fail to correct the violation within the provided time period and request an inspection, the matter will be referred to the Special Magistrate for a hearing which could result in a daily fine. If you are unsure of any requirements necessary to correct the violation or have other concerns, please contact the Lake Alfred Community Development Department between the hours of 8:00 am to 12:00 noon Monday through Friday at 863-291-5748, or visit our office at 120 E. Pomelo Street, Lake Alfred, FL 33850 or email at Dclewis@mylakealfred.com.



10/20/2023

**SECTION 302
EXTERIOR PROPERTY AREAS**

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