

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**  
**March 17, 2016**  
**3:00 P.M.**

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**CALL TO ORDER: Magistrate Heather Christman**

**SWEAR IN: Magistrate Heather Christman**

**APPROVAL OF MINUTES: February 18, 2016**

**NEW CASES**

Case no.: 16 02 033 / Harold Wadley / 365 E Cummings St.  
Case no.: 16 02 034 / Harold Wadley / 355 E Cummings St.

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

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**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.**

No one was in attendance.

**Code Enforcement Officer Danny Clewis** stated Mr. Navarro was cited on December 19, 2015 for an unsafe structure and working without a building permit. He is a repeat offender. Staff recommends giving Mr. Navarro 10 days or impose a \$50 per day fine.

**Magistrate Christman**, based on the evidence, entered the Finding of Fact Conclusion of Law and Order. The property owner has 10 days to correct the violation or a fine of \$50 per day will be imposed. Certification Hearing will be held March 17, 2016.

**Case no.: 15 12237 / Hubert Conner Estate / 380 W Davis Ave.**

No one was in attendance.

**Code Enforcement Officer Danny Clewis** stated Mr. and Mrs. Conner are deceased; some of their relatives are living in this house. The property was cited for unsafe structure, overgrown yard, trash, debris, storage of materials and abandoned, derelict vehicle. Staff recommends 10 days to clean up the property or impose a \$250 per day fine.

**Magistrate Christman**, stated based on the evidence presented this property is in violation of all cited ordinances. She entered a Finding of Fact Conclusion of Law and Order giving the property owner 10 Days to comply or a \$250 per day fine will be imposed.

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

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

The Hearing was adjourned at 3:12

Respectfully submitted,

  
Mamie Drane

**CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING**  
**March 17, 2016**

**Agenda Item 1**

Case no's.: 16 02 033 & 034 / Harold Wadley / 365 E Cummings St. and 355 E Cummings 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](http://www.mylakealfred.com)

## Community Development

Building | Code Enforcement | Planning | Zoning

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## CODE ENFORCEMENT SPECIAL MAGISTRATE

DATE: March 3, 2016

CASE NO.: 16 02 034

CITY OF LAKE ALFRED

VS.

Harold Wadley  
355 E Cummings St.  
Lake Alfred, FL 33850

RE: 355 E CUMMINGS ST  
LAKE ALFRED, FL 33850  
PARCEL ID 262732 000000 022070

### NOTICE OF HEARING

You are hereby notified that on Thursday, March 17, 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 March 2016.

This Notice Sent by:  
(Circle method of Notice)

Certified Mail  
First Class Mail

Article No.: 70133020000230658925

*Mamie Drane*

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Recording Secretary

# CITY OF LAKE ALFRED, FLORIDA

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



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## Community Development

Building | Code Enforcement | Planning | Zoning

---

## CODE ENFORCEMENT SPECIAL MAGISTRATE

DATE: March 3, 2016

CASE NO.: 16 02 033

CITY OF LAKE ALFRED

VS.

Harold Wadley  
355 E Cummings St.  
Lake Alfred, FL 33850

RE: 365 E CUMMINGS ST  
LAKE ALFRED, FL 33850  
PARCEL ID 262732 000000 022080

### NOTICE OF HEARING

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Signed this 3rd day of March 2016.

This Notice Sent by:  
(Circle method of Notice)

Certified Mail  
First Class Mail

Article No.: 70133020000230658932

*Mamie Drane*

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Recording Secretary

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <i>Harold Wadley</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <input checked="" type="checkbox"/>	
1. Article Addressed to:		B. Received by (Printed Name) <i>HAROLD WADLEY</i>	C. Date of Delivery <i>3-5-16</i>
Harold Wadley 355 E Cummings St. Lake Alfred, FL 33850		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		7013 3020 0002 3065 8932	
PS Form 3811, February 2004		Domestic Return Receipt	102595-02-M-1540

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <i>Harold Wadley</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <input checked="" type="checkbox"/>	
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Harold Wadley 355 E Cummings St. Lake Alfred, FL 33850		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		7013 3020 0002 3065 8925	
PS Form 3811, February 2004		Domestic Return Receipt	102595-02-M-1540

7013 3020 0002 3065 8925

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

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

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total</b>		

Sent To: Harold Wadley  
355 E Cummings St.  
Lake Alfred, FL 33850

Street, Apt or PO Box: \_\_\_\_\_  
City, State: \_\_\_\_\_

PS Form 3800, August 2006 See Reverse for Instructions

7013 3020 0002 3065 8925

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total</b>		

Sent To: Harold Wadley  
355 E Cummings St.  
Lake Alfred, FL 33850

Street, Apt or PO Box: \_\_\_\_\_  
City, State: \_\_\_\_\_

PS Form 3800, August 2006 See Reverse for Instructions

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

Date Issued 2/18/16

Case Number 16-02-034

Property Address 355 E Cummings St Lake Alfred Fl

Parcel ID # 262732000000022070

Property Owner Harold Wadley

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>	10 days
<input checked="" type="checkbox"/>	Trash/Debris/Storage of Materials <i>(Sections 302.1, 308.1 Property Maintenance Code)</i>	10 days
<input checked="" type="checkbox"/>	Abandoned/Derelict Vehicle <i>(Section 302.8 Property Maintenance Code)</i>	10 days
<input checked="" type="checkbox"/>	Unsafe Structure <i>(Section 108 Property Maintenance Code)</i>	10 days
<input type="checkbox"/>	Work Without Building Permit <i>(Section 14-22 Code of Ordinances)</i>	
<input checked="" type="checkbox"/>	Other: JUNK BOAT- Health Hazard & Nuisance	

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](mailto:Dclewis@mylakealfred.com).

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

Date Issued **2/18/16**

Case Number **16-02-033**

Property Address **365 E Cummings St Lake Alfred Fl**

Parcel ID # **262732000000022080**

Property Owner **Harold Wadley**

Mailing Address **355 E cummings**

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

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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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.

Harold Wadley  
355 E Cummings St.  
Lake Alfred, FL 33850

*Respondent*

\_\_\_\_\_ /

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

THIS CAUSE came on for public hearing on March 17, 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: 355 E Cummings St.  
Lake Alfred, Florida 33850

Parcel ID No.: 262732 000000 022070

**FINDINGS OF FACT**

On or about February 18, 2016 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.

<u>City Ordinance</u>	<u>Violation</u>
Section 302.8 Property Maintenance Code	Abandoned / Derelict Vehicle
Sections 302.1, 308.1	Trash/Debris/Storage of Material
Section 302.4	Overgrown Yard/Lot
Section 108	Unsafe Structure
Other	Junk Boat/Health Hazard & Nuisance'

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 May 2, 2016 for a total compliance or a \$ 100 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.

*May 19, 2016*  
***A Hearing is hereby scheduled for 3:00pm on April 21, 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 17<sup>th</sup> day of March 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  
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.

Harold Wadley  
365 E Cummings St.  
Lake Alfred, FL 33850

*Respondent*

\_\_\_\_\_ /

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

THIS CAUSE came on for public hearing on March 17, 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: 365 E Cummings St.  
Lake Alfred, Florida 33850

Parcel ID No.: 262732 000000 022080

**FINDINGS OF FACT**

On or about February 18, 2016 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.

<u>City Ordinance</u>	<u>Violation</u>
Sections 302.1, 308.1	Trash/Debris/Storage of Material
Section 108	Unsafe Structure
Other	Storage of Tires and Junk

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.

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Heather R. Christman  
City of Lake Alfred Special Magistrate

ATTEST:

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Mamie Drane  
Clerk to the Special Magistrate

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