

SPECIAL MAGISTRATE HEARING

MINUTES

FEBRUARY 8, 2016

10:00 A.M.

PRESENT

Amber Ashton, Special Magistrate
Andrew Dickman, City Attorney (via telephone)
Jennifer Bryla, Community Development Department Director
Mary Jo Murphy, Deputy City Clerk
Joanne Boland, Zoning & Permitting Administrator
Chris Lostraglio, Code Enforcement Officer

1. CALL TO ORDER

Special Magistrate Ashton called the City of St. Pete Beach Code Enforcement Hearing to order at 10:00 a.m.

Special Magistrate Ashton invited everyone present to recite the Pledge of Allegiance.

2. ADMINISTER OATH

Special Magistrate Ashton administered the oath or affirmation to witnesses present.

3. CASES

Special Magistrate Ashton heard the following cases and entered the following orders:

A. Case Number: 20150196

City of St. Pete Beach v. Donovan, Kenneth F., Property Owner

Address: 820 59th Ave, St. Pete Beach, FL 33706

Violations:

1. Sec. 98-66 (a), (b), (5), (18), (19), (20), (24), (e), (b), (1), (2) Residential & commercial property maintenance.

(a) All premises shall be maintained in compliance with this section.

(b) Standards for improved property.

(5) Exterior doors. Every exterior door and hatchway or garage door shall be kept in sound working condition and good repair.

(18) Swimming pools. All swimming pools, spas, and architectural pools, ponds, or bodies of water shall be properly maintained so as not to create a safety hazard or harbor insect infestation. Water should not be allowed to stagnate or become polluted. All pools shall be free from unsightly appearance.

(19) Rodent harborage. All structures and exterior premises shall be kept free from rodent harborage and infestation. Where rodents are found, the owner shall promptly exterminate rodents through a process which will not be injurious to human health.

(20) Grass, weeds and uncultivated vegetation. All grasses or weeds, and uncultivated vegetation, shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line.

(24) Fences and walls. Fences and walls shall be maintained in a safe and structurally sound condition, in good repair with the surface coated or painted. Fences shall be free from loose or rotting materials. Metal fencing shall be free from rust or deterioration.

(e) Outdoor storage. Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

(b) Boats and trailers. (1) Boats and trailers may be stored in a rear or side yard; and (2) No more than one boat and/or trailer may be stored in a front yard, provided that the following regulations are met.

2. Sec. 98-67 (e) Junk Vehicle, junk vessels and abandoned property.

Parking, storage, abandoning, keeping or leaving of certain vehicles or boats restricted and prohibited.

(e) Absence of a current license plate or current registration as prima facie evidence of abandonment.

***This property has prior liens for repeated violations.
#20100198 \$653.15 - #20120098 \$5,968.50**

Special Magistrate Ashton found the following:

- the City properly noticed the hearing
- the property is in violation of Sec. 98-66 (a), (b)(5), (b)(18), (b)(19), (e), (b)(1) and (2), as well as Sec. 98-7 (e)
- gave the respondent 60 days, April 8, 2016, to bring the property into compliance
- fine and lien certification before Special Magistrate Ashton on April 11, 2016
- inspection to be performed between April 8, 2016 and April 11, 2016 to determine if the property is in compliance
- if a fine is imposed, it will be between \$250 - \$500 each day until the property is brought into compliance
- respondent needs to set an appointment with the Code Enforcement Officer to deal with the operable vehicle issues

- it is incumbent upon the respondent to contact the Code Enforcement Officer when the issues of the property have been addressed
- the property is in compliance with Sec. 98-66, (b)(20) and (24)

B. Case Number: 20150132

City of St. Pete Beach v. Dillon, Roger, Property Owner

Address: 451 81st Ave, St. Pete Beach, FL 33706

Violations:

Sec. 98-66 (b) (5) Standards for improved property.

Garage door is damaged and inoperable

Sec. 98-66 (b) (20) Grass, weeds & uncultivated vegetation.

Overgrown grass, weeds and shrubs

Sec. 98-66 (b) (22) Trees Overgrown

Special Magistrate Ashton found the following:

- the City properly noticed the hearing
- the property is in violation of Sec. 98-66 (b)(5), (b)(20), (b)(22)
- gave the respondent 45 days to bring the property into compliance
- if the property is not brought into compliance, there will be a hearing before Special Magistrate Ashton on April 11, 2016 for the imposition of a fine and certification of a lien

C. Case Number: 20150180

City of St. Pete Beach v. Dolphin Watch I, LLC. owner.

Address: 110 15th Ave, St. Pete Beach, FL 33706.

Violations:

1. Sec 98-66 (a), (b), (20), (21), (22) Residential & commercial property maintenance.

(a) All premises shall be maintained in compliance with the standards in this section.

(b) Standards for improved property. **(20)** Grass & Weeds and uncultivated vegetation shall not exceed ten inches in height on improved property, including the area between the edge of the pavement in the street and the lot line. **(21)** Shrubbery, plants & ground cover. All real property shall be maintained in a condition to prevent erosion of soil. **(22)** Trees shall be maintained or removed as follows: Hazardous trees. Dead, dying, damaged or diseased trees are prohibited. The owner of any real property shall trim trees, plants, shrubs or vegetation, or any parts thereof as follows: which overhang any sidewalk, alley, or street as determined by the building official, and which interfere with the use of any sidewalk, alley, street, poles, wires, pipes, fixtures or any other part of any public utility situated in the right-of-way.

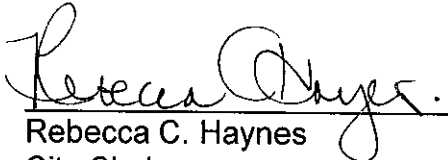
Special Magistrate Ashton found the following:

- the City properly noticed the hearing
- the property is in violation of Sec. 98-66 (a), (b), (20), (21) and (22)
- gave the respondent 30 days to bring the property into compliance, March 9, 2016
- if the property is not brought into compliance, there will be a hearing before Special Magistrate Ashton on April 11, 2016 for the imposition of a fine and certification of a lien

5. ADJOURNMENT:

There being no further business to come before the Special Magistrate, the hearing was adjourned at 10:26 a.m.

Attest:



Rebecca C. Haynes
City Clerk