



**CITY OF OKEECHOBEE CODE ENFORCEMENT
OCTOBER 12, 2021, SPECIAL MAGISTRATE HEARING
OFFICIAL MINUTES**

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, October 12, 2021, at 6:01 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Special Magistrate Azcona.

II. ATTENDANCE

Assistant Code Enforcement Officer Christina Curl called the roll. Special Magistrate Roger Azcona, Esquire, Police Lieutenant Justin Bernst and Code Enforcement Officer Anthony Smith were present.

III. CHANGES TO AGENDA

Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

A. Special Magistrate Azcona approved the September 14, 2021, Hearing minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl; all affirmed. Code Officer Smith stated for the record all events regarding the Cases to be discussed occurred within the corporate limits of the City of Okeechobee. The Officer's notes, testimony, photographs, and support documents were all entered as part of the official record.

V. CONTINUED CASES

A. Case No. 210701012; Joseph Perretta (Coastal Limbs and Brace), 710 West North Park Street [Legal Description: The West 50-feet of Lots 5 and 6, of Block 161, OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records, and beginning at the SW corner of Lot 6 of Block 161, OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records, thence run North along the West boundary of said Block 161 to the Northwest corner of Lot 4 of said Block 161; thence run West, along the Westerly extension of the North boundary line of said Lot 4, a distance of 50-feet to the East right-of-way (ROW) line of the former Florida East Coast Railway of North Park Street; thence run East, along said North ROW line, a distance of 50-feet to the point of beginning, lying in Section 16, Township 37 South, Range 35 East, and being a part of that certain 50-foot strip of land designated as "Reserved" on the plat of Okeechobee, Plat Book 5, Page 5 Okeechobee County public records]. Violation of International Property Maintenance Code (IPMC) Chapter 3, Sections 304.6 Exterior walls and 304.7 Roof and drainage.

Code Officer Smith testified the property is in violation of IPMC Chapter 3, Sections 304.6 Exterior walls and 304.7 Roof and drainage for the roof and exterior walls needing maintenance and cleaning. The property is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on March 17, 2021. Code Officer Smith spoke with Mr. Perretta on March 22, 2021, who was advised on what needed to be done to bring the property into compliance. Assistant Code Officer Curl spoke with Mr. Perretta on March 25, 2021, who stated he was working with Donna at Big Lake Pressure Cleaning and Painting to pressure wash the roof and paint the building. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on July 2, 2021, for the August 10, 2021, Hearing. The notice was received by Joseph Perretta on July 8, 2021. Code Officer Smith spoke with Mr. Perretta on July 8, 2021 who was advised that the painting needed to be completed and the windows uncovered along Park Street. Code Officer Smith spoke with Mr. Perretta on July 27, 2021, who stated that the same company would be pressure washing the exterior of the building next week and painting it the week after. Assistant Code Officer Curl spoke with Mr. Perretta on August 5, 2021, who stated that the building had been pressure washed and should be painted next week. The case was presented to the Special Magistrate on August 10, 2021; Code Officer Smith reported the property to be partially compliant as the exterior of the building still needed to be painted. However, the property owner has made progress by pressure washing the building and roof and painting the roof. The Special Magistrate deferred the case to allow the property owner more time to come into full compliance as progress has been made. A SOV/NOH was mailed via USPS certified return receipt on September 3, 2021 for the October 12th Hearing. The notice was received on September 9, 2021, the signature was not legible

V. CONTINUED CASES CONTINUED

- A. CONTINUED: The property was inspected and found to be non-compliant on September 20, 2021 and October 7, 2021. Code Officer Smith spoke with Mr. Perretta on October 7, 2021 who was advised what needed to be done to bring the property into compliance and how long he had to correct the violations before a fine was imposed. The City recommends a fine of \$50.00 per day, to begin 21 days after the date of this Hearing, unless the property owner brings the property into compliance before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210701012 to be in violation of IPMC Chapter 3, Sections 304.6 Exterior walls, 304.7 Roof and drainage and imposed a fine of \$50.00 per day plus a one-time administrative fee of \$50.00 should the property owner fail to come into compliance within 21 days after the date of this Hearing.**

- B. Case No. 210421006; Jose and Maria Cisneros, 608 SE 10th Avenue [Legal Description: Lots 8, 9, and 12 of Block 12, WRIGHT'S FIRST ADDITION TO OKEECHOBEE, Plat Book 1, Page 13, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-32 Accumulations on real property and 30-43 Public nuisance.

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-32 Accumulations on real property, 30-43 Public nuisance for large piles of debris and an unsecured building that all the windows are broken out of, and no front door. Correction, the property is not a repeat violator. A SOV/NOH was mailed via USPS certified return receipt on April 21, 2021, for the June 8, 2021, Hearing. The noticed was received by Jose Cisneros on April 23, 2021. Code Officer Smith received a call from Mr. Cisneros on May 5, 2021, who stated the debris had been put out to the road for Waste Management to pick up and the building would be demolished as soon as he had the permit to do so. A SOV/NOH was mailed via USPS certified return receipt on July 1, 2021, for the August 10, 2021, Hearing. The notice was received by Jose Cisneros on July 6, 2021. The property was inspected on August 4, 2021. Code Officer Smith reported the property to be partially compliant as the building remains unsecured, no door and broken out windows. However, the property owner has made progress by mowing the grass and removing the yard debris. The case was presented to the Special Magistrate on August 10, 2021; Code Officer Smith reported the property to be partially compliant as the building remains unsecured, no door and broken out windows. However, the property owner has made progress by mowing the grass and removing the yard debris. The Special Magistrate deferred the case to allow the property owner more time to come into full compliance as progress has been made. A SOV/NOH was mailed via USPS certified return receipt on September 3, 2021 for the October 12th Hearing. The notice was received by JMC on September 27, 2021. The property was inspected and found to be non-compliant on September 20, 2021 and October 7, 2021. The City recommends a fine of \$25.00 per day, to begin 21 days after the date of this Hearing, unless the property owner brings the property into compliance before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210421006 to be in violation of Code of Ordinances Chapter 30, Sections 30-32 Accumulations on real property, 30-43 Public nuisances and imposed a fine of \$25.00 per day plus a one-time administrative fee of \$50.00 should the property owner fail to come into compliance within 21 days after the date of this Hearing.**

VI. NEW CASES

- A. Case No. 210428014; Elizabeth J. Carter (Smitty's Glass and Mirror), 117 Southwest 5th Avenue [Legal Description: The South 80.75-feet of Lots 7 and 8 of Block 166, TOWN OF OKEECHOBEE, Plat Book 1, Page 10, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisance and 30-44 General cleaning and beautification. Code Officer Smith reported that the property came into compliance October 7, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisance, 30-44 General cleaning and beautification.
- B. Case No. 210125009; Barry A. and Denise M. Parow, 101 Southwest 11th Avenue [Legal Description: Lots 11, 12, 13, and 14 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-44 General cleaning and beautification.

VI. NEW CASES

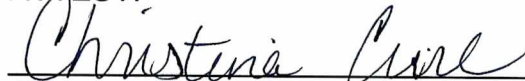
B. CONTINUED: Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles and 30-44 General cleaning and beautification for inoperable vehicles and car parts all over the yard and carport. The property is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on January 25, 2021. A SOV/NOH was mailed via USPS certified return receipt on March 15, 2021, for the April 13, 2021, Hearing. The City has not received the certified return receipt back as of this Hearing. Assistant Code Officer Curl spoke with Mrs. Denise Parow on March 25, 2021, who stated that they will be cleaning up the yard and removing the vehicles next week. The property was inspected on April 5, 2021, April 27, 2021, and July 1, 2021. Code Officer Smith reported the property to be partially compliant as the carport still needed to be cleaned/organized. However, the property owner has made progress by removing the large pile of debris and the inoperable vehicles. A SOV/NOH was mailed via USPS certified return receipt on July 2, 2021, for the August 10, 2021, Hearing. It was returned unclaimed on July 28, 2021. The property was posted on July 27, 2021, with a Notice to Appear for the August 10, 2021, Hearing. Assistant Code Officer Curl spoke with Samantha Parow on July 27, 2021, who stated that they received the posting in the yard and will be cleaning/organizing the carport. Code Officer Smith inspected the property on August 4, 2021 and reported it to be partially compliant as the carport still needed to be cleaned/organized. Assistant Code Officer Curl spoke with Denise Parow on August 6, 2021, who stated they are still cleaning up the carport, but need more time. The case was presented to the Special Magistrate on August 10, 2021; Code Officer Smith reported the property to be partially compliant as the carport remains uncleaned/unorganized. The Special Magistrate deferred the case to allow the property owner more time to come into full compliance as progress has been made. A SOV/NOH was mailed via USPS certified return receipt on September 3, 2021 for the October 12th Hearing. The notice was received by Russell Parow on September 8, 2021. Assistant Code Officer Curl spoke with Barry Parow on September 8, 2021, who stated they received the notice, and are still working on cleaning and organizing the carport. The property was inspected and found to be non-compliant on September 20, 2021. Assistant Code Officer Curl spoke with Denise Parow on September 29, 2021, who stated that the property was in compliance and requested an inspection be completed on September 30, 2021. The property was inspected and found to be non-compliant on September 30, 2021. Code Officer Smith spoke with Mr. Parow, who was advised what needed to be done to bring the property into compliance and the property would be reinspected on October 5, 2021. The property was inspected and found to be non-compliant on October 5, 2021. Code Officer Smith spoke with the resident, who was advised what needed to be done to bring the property into compliance. The City recommends a fine of \$25.00 per day, to begin 21 days after the date of this Hearing, unless the property owner brings the property into compliance before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210125009 to be in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-44 General cleaning and beautification and imposed a fine of \$25.00 per day plus a one-time administrative fee of \$50.00 should the property owner fail to come into compliance within 21 days after the date of this Hearing.**

VII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:41 P.M.

ATTEST:


Christina Curl


Roger Azcona, Special Magistrate

Please take notice and be advised that when a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at this Hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.