



CITY OF OKEECHOBEE CODE ENFORCEMENT OCTOBER 10, 2023, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, October 10, 2023, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue (Ave), Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Special Magistrate Azcona.

II. ATTENDANCE

Code Enforcement Officer Christina Curl called the roll: Special Magistrate Roger Azcona, Esquire, and Code Enforcement Officer Anthony Smith were present. City Attorney Greg Hyden attended via Zoom.

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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 dispensed with the reading and approved the September 12, 2023, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, Mr. James Ramsey, and Ms. Ruby Minton; all affirmed. Code Officers Smith and Curl 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. REPEAT VIOLATORS

A. Case No. 230918005; Freddie L. and Ruby L. Minton, 302 Northeast (NE) 8th Ave, Okeechobee [Legal Description: Lot 17, RIVER RUN RESORT, Plat Book 6, Page 18, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 54, Sections 54-81 Use as a residence, 54-84 Parking in residential district. The respondent is a repeat violator. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified return receipt on September 18, 2023. The notice was received by Ruby Minton on September 21, 2023. The property was inspected and found to be non-compliant on October 3, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties, remove or tag all the inoperable/abandoned/unlicensed vehicles on the property, and remove all the trash/debris from the property. The City recommends a fine of \$150.00 per day, to begin 21-days after the Special Magistrate Hearing on October 10, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230918005 to be in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 54, Sections 54-81 Use as a residence, 54-84 Parking in residential district and imposed a fine of \$150.00 per day plus a one-time administrative fee of \$100.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

VI. NEW CASES

A. Case No. 30808008; Kimberly Kocher, 918 Northwest (NW) 9th Street (St), Okeechobee [Legal Description: East half of Lot 15, and all of Lot 16 of Block 42,

VI. NEW CASES CONTINUED

- A. Case No. 230808008; CONTINUED: CITY OF OKEECHOBEE, Plat Book 5 Page 5, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on July 19, 2023. The property was inspected and found to be non-compliant on August 3, 2023. A SOV/NOH was mailed via USPS certified return receipt on August 8, 2023. The notice was received by Kimberly Kocher on August 15, 2023. The property was inspected and found to be non-compliant on September 22, 2023 and October 4, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties and remove the disabled boat from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on October 10, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230808008 to be in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$50.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

- B. Case No. 230808014; Joesph G. and Lydia C. Entry, 1901 NW 7th Ave, Okeechobee [Legal Description: Lot 6 and South half of Lot 5 of Block 44 and North half of 17th St lying adjacent to Lot 6, CONNERS HIGHLANDS, Plat Book 1, Page 21, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and International Property Maintenance Code (IPMC) Chapter 1, Sections 111.1.1 Unsafe structure, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises, the property was found to be in compliance on October 4, 2023, no Lien/Order recorded, no fine accrued.
- C. Case No. 230817008; Yvette Banner, 913 NW 9th St, Okeechobee [Legal Description: Lot 7 of Block 43, CITY OF OKEECHOBEE, Plat Book 1, Page 10 and re-recorded in Plat Book 5, Page 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on October 4, 2023, no Lien/Order recorded, no fine accrued.
- D. Case No. 230817007; Tanglewood LTD c/o A & M Properties, Inc, 420 NW 9th St [Legal Description: Lots 7 to 20 Inclusive and alley between said lots of Block 38, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and IPMC Chapter 3, Section 304.1.1 Unsafe conditions. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on July 19, 2023. The property was inspected and found to be non-compliant on August 3, 2023 and August 17, 2023. A SOV/NOH was mailed via USPS certified return receipt on August 17, 2023. The notice was received by Erin Wilson on August 21, 2023. The property was inspected and found to be non-compliant on October 4, 2023. To comply with City Ordinances the property owner needs to remove all the debris from the property and repair/replace all the roofs on the buildings. The City recommends a fine of \$100.00 per day to begin 21-days after the Special Magistrate Hearing on October 10, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

VI. NEW CASES CONTINUED

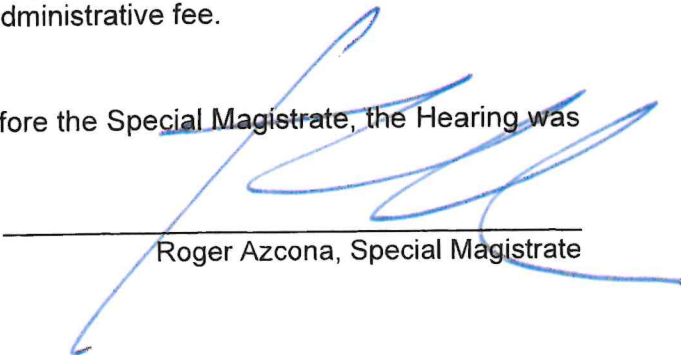
- D. Case No. 230817007; CONTINUED: Based on the evidence provided, **Special Magistrate Azcona found Case No. 230817007 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and IPMC Chapter 3, Section 304.1.1 Unsafe conditions and imposed a fine of \$100.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance within 45-days after the date of this Hearing.**

VII. COMPLIED CASES

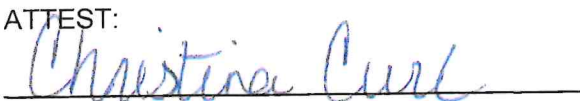
- A. Case No. 230817006; Christiano S. Gros, 1100 SE 5th St, Okeechobee [Legal Description: Lots 2, 3, and 6 of Block 7, WRIGHT'S FIRST ADDITION TO OKEECHOBEE, Plat Book 1, Page 13, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on August 29, 2023, no Lien/Order recorded, no fine accrued.
- B. Case No. 221221016; 130 Palm Beach Properties LLC, NW 11th St, Okeechobee [Legal Description: Lots 7, 8, 9, 10, and 11 of Block 30, CITY OF OKEECHOBEE, Plat Book 1, Page 10 and Plat Book 5, Page 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on August 21, 2023, and that there is an existing lien in the amount of \$8,300.00 plus a \$50.00 administrative fee.

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:06 P.M.



Roger Azcona, Special Magistrate

ATTEST:


Christina Curl

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.