



CITY OF OKEECHOBEE CODE ENFORCEMENT JANUARY 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, January 10, 2023, at 6:00 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

Code Enforcement Officer Christina Curl called the roll. Special Magistrate Roger Azcona, Esquire, City Attorney Greg Hyden, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 December 13, 2022, Hearing Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, Mrs. Pamela Arnold, Mr. Vernon Arnold, Mrs. Selena Taylor, Mr. Perry S. Arnold, Jr., and Mr. Charles Holt; all affirmed. Code Officers Smith, 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. FINE REDUCTION REQUESTS CONTINUED

A. Case No. 220128007; Perry Sylvester Arnold, Jr., 620 Northeast 4th Avenue [Legal Description: Lots 5 and 6 of Block 80, CITY OF OKEECHOBEE, Plat Book 1, Page 10 or Plat Book 5, Page 5, Okeechobee County public records].

Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification and Chapter 82, Section 82-124 Permits on March 8, 2022, where a fine in the amount of \$50.00 per day starting 21-days after the date of the Hearing, plus a one-time \$50.00 administrative fee was imposed. The imposed fine began accrual on April 5, 2022. The property was brought into compliance on July 26, 2022. Mrs. Selena Taylor submitted a request for a fine reduction on August 23, 2022. Mrs. Arnold requested that the fine be dismissed due to special circumstances. On October 11, 2022, Mrs. Arnold submitted an Adjudication as to Incapacity into evidence. The City recommends a fine reduction of 75-percent, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 100-percent, reducing the fine to zero.**

VI. COMPLIED CASES

A. Case No. 221119009; David Salas and Olga Lidia Jimenez, 503 Northeast 3rd Street [Legal Description Lots 10,11,12 of Block 118, 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 54, Section 54-51 Parking in residential neighborhoods, Chapter 30, Sections 30-43 Public nuisances.

B. Case No. 221118022; Anne M. Land, 500 Northwest 16th Street [Legal Description: Lot 1 and East half of Lot 2 of Block 69, 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, Section 30-41 Disabled vehicles.

VII. NEW CASES

A. Case No. 221025009; Charles E. Holt, 1010 Southwest 11th Avenue [Legal Description: Lots 19 and 20 of Block 22, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, 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 for having overgrown vegetation and debris all over the property. The respondent is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on October 10, 2022. The property was inspected and found to be non-compliant on October 22, 2022.

A. CONTINUED: A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on October 25, 2022. The notice was received by Charles Holt on October 28, 2022. The property was inspected and found to be non-compliant on December 8, 2022 and January 4, 2023. To comply with City Ordinances the property owner needs to remove all overgrown vegetation and debris from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on January 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. 221025009 to be in violation of Code of Ordinances Chapter 30, Sections 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. 221119010; Okeechobee Commons, LTD c/o Property Tax Eagle, 402 Northwest 10th Street [Legal Description: Lots 1 to 6 Inc., Lots 14 to 26 Inc., and all vacated alley lying between Lots 1 to 6 and Lots 21 to 26 and South half of vacated alley lying between Lots 7 to 13 and 14 to 20 of Block 29, CITY OF OKEECHOBEE, Plat Book 1, Page 10, 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 for having several roofs in need of repair/replacement and overgrown vegetation all over the property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on October 25, 2022. The property was inspected and found to be non-compliant on November 17, 2022 and November 19, 2022. A SOV/NOH was mailed via USPS certified return receipt on November 19, 2022. The City has not received the SOV/NOH nor receipt of signature card as of the date of this Hearing. The property was inspected and found to be non-compliant on December 21, 2022. A Notice to Appear was posted on the property and on the public notices board at City Hall on December 27, 2022. The property was inspected and found to be non-compliant on January 3, 2023. To comply with City Ordinances the property owner needs to remove all the overgrown vegetation and complete the roof repairs/replacements. The City recommends a fine of \$75.00 per day to begin 21-days after the Special Magistrate Hearing on January 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. 221119010 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$75.00 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.**

C. Case No. 221118020; Michael Ethan Holsombach, 1010 Southeast 5th Street [Legal Description: Lots 2 and 3 of Block 6, WRIGHT'S FIRST ADDITION TO OKEECHOBEE, Plat Book 1, Page 13, 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 for having an untagged/disabled boat, overgrown vegetation, and debris all over the property, the exterior of the structure in need of being cleaned, and the roof repaired/replaced. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on October 25, 2022. The property was inspected and found to be non-compliant on November 16, 2022. A SOV/NOH was mailed via USPS certified return receipt on November 21, 2022. The City has not received the SOV/NOH nor receipt of signature card as of the date of this Hearing. A Notice to Appear was posted on the property and on the public notices board at City Hall on December 27, 2022. The property was inspected and found to be non-compliant on January 3, 2023. To comply with City Ordinances the property owner needs to remove all the overgrown vegetation and debris from the property, clean the exterior of the structure and complete the roof repair/replacement. The City recommends a fine of \$75.00 per day to begin 21-days after the Special Magistrate Hearing on January 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. 221118020 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 \$75.00 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.**

NEW CASES CONTINUED

D. Case No. 221118021; April and Victor Martin, 705 Southeast 9th Avenue [Legal Description: Lot 7 and North half of Lot 10 of Block 13, WRIGHT'S FIRST ADDITION TO OKEECHOBEE, Plat Book 1, Page 13, 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, Chapter 54, Section 54-51 Parking in residential neighborhoods for having overgrown vegetation all over the property, the exterior of the structure in need of being cleaned and parking a semitruck on residential property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on October 25, 2022. The property was inspected and found to be non-compliant on November 16, 2022. A SOV/NOH was mailed via USPS certified return receipt on November 21, 2022. The notice was received by April Martin on November 25, 2022. The property was inspected and found to be non-compliant on December 21, 2022 and January 3, 2023. To comply with City Ordinances the property owner needs to remove all the overgrown vegetation and debris from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on January 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. 221118021 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 54, Section 54-51 Parking in residential neighborhoods 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.**

E. Case No. 221118023; Harry A. and Betty A. Schock, 1805 Northwest 7th Avenue [Legal Description: Lot 4 and North half of Lot 5 of Block 53, CONNERS HIGHLANDS, Plat Book 1, Page 21, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances for having disabled/untagged vehicles, junk, debris, and overgrown vegetation all over the property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on October 27, 2022. The property was inspected and found to be non-compliant on November 17, 2022 and November 19, 2022. A SOV/NOH was mailed via USPS certified return receipt on November 21, 2022. The notice was received by Harry Schock on November 25, 2022. The property was inspected and found to be non-compliant on January 3, 2023. To comply with City Ordinances the property owner needs to remove all junk, debris, overgrown vegetation, and the disabled/untagged vehicles from the property. The City recommends a fine of \$75.00 per day to begin 21-days after the Special Magistrate Hearing on January 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. 221118023 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances and imposed a fine of \$75.00 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.**

F. Case No. 221118019; Pristine Detailing and Pressure Washing, LLC, whose business address is 1495 Southeast 5th Street.

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 50, Section 50-36 Issuance of local business tax for engaging in business within the City of Okeechobee without first procuring a local business tax receipt. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on October 26, 2022. The respondent was found to be non-compliant on November 18, 2022. A SOV/NOH was mailed via USPS certified return receipt on November 28, 2022. The notice was received by the Registered Agent, Inc Authority RA on December 1, 2022. The respondent was found to be non-compliant on December 20, 2022 and January 4, 2023. To comply with City Ordinances the business owner needs to purchase a Business Tax Receipt from the City of Okeechobee. The City recommends a fine of \$125.00 per day to begin 21-days after the Special Magistrate Hearing on January 10, 2023, unless the business comes into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 221118019 to be in violation of Code of Ordinances Chapter 50, Section 50-36 Issuance of local business tax and imposed a fine of \$125.00 per day plus a one-time administrative fee of \$50.00 should the business fail to come into compliance within 21-days after the date of this Hearing.**

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:10 P.M.

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.


Roger Azcona, Special Magistrate