



CITY OF OKEECHOBEE CODE ENFORCEMENT

FEBRUARY 14, 2023, SPECIAL MAGISTRATE HEARING

OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, February 14, 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, and Code Enforcement Officer Anthony Smith were present, and 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 January 10, 2023, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl; 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. FINE REDUCTION REQUESTS

A. Case No. 220812010; Orion of America LLC., 1004 Northwest 6th Street [Legal Description: East half of Lot 15 and all of Lot 16 of Block 17, NORTHWEST ADDITION TO OKEECHOBEE, Plat Book 1, Page 25, Okeechobee County public records].

Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections, 30-43 Public nuisances, 30-44 General cleaning and beautification and International Property Maintenance Code (PMC) Chapter 3, Section 304.1.1 Unsafe conditions on September 13, 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 October 4, 2022. The property was brought into compliance on November 7, 2022. Orion of America LLC submitted a request for a fine reduction on January 25, 2023. The City recommends a fine reduction of 60 percent, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 60 percent, plus a \$50.00 administrative fee, all to be paid within 30-days.**

VI. COMPLIED CASES

A. Case No. 221220010; Home Discounters LLC, 1008 Southwest 2nd Street [Legal Description Lot 17 and East half of Lot 16 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, 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.

B. Case No. 230111009; Darlene Marshall, 1005 Southwest 3rd Street [Legal Description: Lots 5 and 6 of Block 8, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, 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. 221221016; 130 Palm Beach Properties c/o Betty Khan, Northwest 11th Street [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].

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 a vacant lot having overgrown vegetation 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 November 22, 2022. The property was inspected and found to be non-compliant on December 21, 2022.

VII. NEW CASES CONTINUED

A. Case No. 221221016, CONTINUED: A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on December 21, 2022. The City has not received the SOV/NOH nor the receipt signature card as of the date of this Hearing. The property was inspected and found to be non-compliant on January 17, 2023. A Notice to Appear was posted on the property and the public notices board at City Hall on January 26, 2023. The property was inspected and found to be non-compliant on February 6, 2023. To comply with City Ordinances the property owner needs to remove all overgrown vegetation from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on February 14, 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. 221221016 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. 230111006; James K. and Pamela G. Davis, Southwest 2nd Avenue [Legal Description: Lot 3 of Block 5, ROYAL OAK ADDITION, Plat Book 1, Page 8, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicles, for having multiple disabled vehicles on the property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on November 17, 2022. The property was inspected and found to be non-compliant on December 6, 2022 and January 7, 2023. A SOV/NOH was mailed via USPS certified return receipt on January 12, 2023. The notice was received by Jim Davis on January 17, 2023. The property was inspected and found to be non-compliant on January 26, 2023 and February 7, 2023. To comply with City Ordinances the property owner needs to remove the multiple disabled vehicles from the property. The City recommends a fine of \$50.00 per day to begin 21-days after the Special Magistrate Hearing on February 14, 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. 230111006 to be in violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicles 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.**

C. Case No. 230111007; Paul and Charlene Haynes, 800 Southwest 11th Avenue [Legal Description: South 50.50-foot of Lots 16 to 20 of Block 15 and that part of East 250-foot of First Street now abandoned and closed lying West of Hillsborough Avenue, and North 12-foot of Lots 19 and 20 of Block 15, 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, Section 30-41 Disabled vehicles, for having an untagged/inoperable vehicle on the property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on December 15, 2022. The property was inspected and found to be non-compliant on January 7, 2023. A SOV/NOH was mailed via USPS certified return receipt on January 12, 2023. 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 January 26, 2023 and February 6, 2023. To comply with City Ordinances the property owner needs to remove the disabled vehicle from the property. The City recommends a fine of \$50.00 per day to begin 21-days after the Special Magistrate Hearing on February 14, 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. 230111007 to be in violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicles, 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.**

D. Case No. 230111008; Capital C Inc., 307 Southwest 3rd Street [Legal Description: Lots 3 and 4 of Block 182, CITY OF OKEECHOBEE, Plat Book 1, Page 10 and 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 for a vacant lot having overgrown vegetation all over the property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on December 15, 2022.

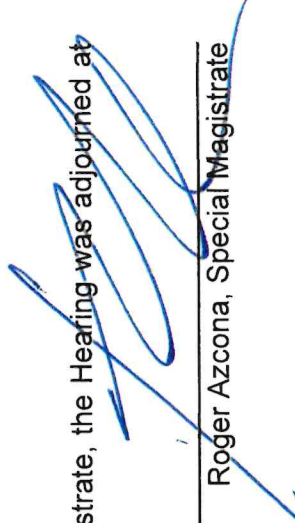
NEW CASES CONTINUED

D. Case No. 230111008, CONTINUED: The property was inspected and found to be non-compliant on January 10, 2023. A SOV/NOH was mailed via USPS certified return receipt on January 12, 2023. The notice was received on January 17, 2023. The property was inspected and found to be non-compliant on January 26, 2023 and February 6, 2023. To comply with City Ordinances the property owner needs to remove all the overgrown vegetation from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on February 14, 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. 230111008 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.

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:46 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.